

UNMAKING THE AUTHORITARIAN LABOR REGIME:
COLLECTIVE BARGAINING AND LABOR UNREST IN
CONTEMPORARY CHINA

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ABSTRACT OF THE DISSERTATION

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Can Chinese workers deploy limited resources to coordinate sustained protest? The prevailing literature describes Chinese labor unrest as leaderless, disorganized, and short-lived. Because of these characteristics, many scholars did not view Chinese workers' collective struggles, although more numerous than those of any other country, as forming a labor movement. Prior research has suggested that many institutional factors constrain the emergence of an organized labor movement in China. These institutional inhibitors include China's decentralized legalistic authoritarianism, the state's bifurcated strategy that confers individual rights on workers but restricts their collective rights, uprooted official unions and the ban on independent worker organizations, and state repression of external support to worker collective action. Based on one year of participatory observation of Chinese labor nongovernmental organizations' (NGOs') mobilizing activities and sustained strikes and worker protests, I argue that collective bargaining, which was promoted by some Chinese labor NGOs, served as a viable mobilization

mechanism that enabled Chinese workers to coordinate and sustain collective action. Specifically, I found that a leading organization, Laowei Law Firm, devised a Chinese version of worker-led collective bargaining practice and promoted it among labor NGOs and workers. Several labor NGOs have altered their prior individualized approach to promote worker-led collective bargaining to empower worker collectives, enhancing workers' leadership development and collective action. The newly emerged worker protest leaders were veteran skilled workers who flexibly framed and staged contention. This new collective bargaining practice has contributed to more sustained and successful strikes by building workers' strategic capacity to adeptly deploy power and resources to achieve goals. I argue that this development manifested embryonic forms of Chinese workers' associational power, which is based on labor movement NGOs as an organizational vehicle and the collective action of worker-led collective bargaining initiatives. This manifested form of associational power results from the strategic agency of Chinese labor activists and workers: mobilizing limited resources to affect social change in a hostile environment.

DEDICATION

TO DUAN YI

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CHAPTER ONE

INTRODUCTION

Worker Unrest in China: Political Space and Strategic Labor Agency

After striking for 70 days, 96 workers at Luenshing Molding Factory in Guangzhou finally got what they wanted in mid-October 2013. A rare act among Chinese wildcat strikes, worker representatives signed an unprecedented collective agreement with management, guaranteeing departing workers a severance package for the first time in the company's 20-year history. This was the third arduous fight after two prior strikes. The first spontaneous strike broke out on June 11, 2013, through which 188 workers won back their mandatory housing fund contribution. Encouraged by this initial success, activists launched another strike on June 28 to protest the unwelcome managerial practice of reducing subsidies to offset increases in basic wages resulting from an increased statutory minimum wage. The second strike was well-coordinated: workers elected 6 representatives, as suggested by a local labor-focused non-government organization (labor NGO), the Panyu Migrant Worker Service Center (hereafter the Panyu Center thereafter). The representatives presented 10 written demands to management and requested collective bargaining. Five days later, on July 3, the company signed a collective agreement that prohibited the reduction of subsidies. Workers resumed production while representatives carried on collective bargaining to resolve remaining demands.

Attempting to undercut collective bargaining, the company encouraged workers to switch from the hourly wage system to piece-rate wages for contracted work which

nullified previously negotiated subsidies. Further dividing the workers, managers shifted more orders to workers on the new piece-rate system while allocating little overtime to workers on the old system. Without overtime work, those workers who preferred the old pay system, which used to provide decent wages and benefits to workers, would receive only the basic wage which was equivalent to the local minimum wage. As a result, those workers who refused the new wage system wanted to leave the firm with severance pay. In the face of the employer's hardening attitude, the workers elected 15 representatives to prepare for a lengthy struggle. Failing to win concessions from the employer, the representatives foment a third strike on August 1, involving approximately 100 workers. They persisted in using collective bargaining to resolve their grievances, withstanding managerial threats and refusing the government officials' recommendation of going through the time-consuming official labor arbitration process. Advised by the Panyu Center, the workers made as much noise as possible without giving the police any excuse to detain them for disrupting public order. This strike lasted until October 10, over two months. Under pressure from the local government as well as from the workers, the company finally signed the collective agreement after more than ten rounds of negotiation.

Luenshing workers' strikes show four noticeable changes in the form of Chinese labor protest. First, the workers were able to sustain their protest. The Luenshing workers' third strike lasted over 70 days, while the majority of strikes in China lasted only a few hours to a few days (Elfstrom and Kuruvilla 2014). A second feature was voluntary organizing on the part of workers. Despite a workplace union existed at Luenshing, workers elected representatives of their own choosing to coordinate concerted collective action. Third,

workers and their publicly identifiable representatives insisted on using collective bargaining with management as a method to resolve the disputes. Whereas circumventing the official labor disputes resolution mechanisms was not new to Chinese workers (Leung and Pun 2009; C. Chan 2010b), collective bargaining was a foreign concept to the majority of Chinese workers. A final noteworthy characteristic was the labor NGO's support of workers' mobilization. In a nutshell, the Luenshing workers' strikes showed that contemporary Chinese workers were capable of coordinating sustained protest, buttressed by the method of collective bargaining and labor NGOs.

These notable changes in the mode of labor activism fly in the face of the dominant description of Chinese labor unrest as spontaneous (or informally coordinated), leaderless, disorganized, short-lived, and isolated struggles without NGO assistance (Lee 2007; Blecher 2010; Friedman and Lee 2010; Lee and Shen 2011; A. Chan & Siu 2012; Chen 2015; Leung 2015). The dominant pattern of disorganized and short-lived labor struggles was described as "collective bargaining by riot" (Pringle 2011; C. Chan and Hui 2014)), a term was first coined by Hobsbawm (1952:59) to describe the widespread action of machine-breaking, rioting, and destruction of property used by British workers as power tactics during the early stages of the Industrial Revolution before the rise of national trade unions and peaceful negotiation. Tarrow (1994:37) used the term to describe small-scale and leaderless collective action that seldom demonstrates the common purpose or solidarity needed to mount a sustained campaign. Because of their sporadic, apolitical, ephemeral and cellular activism, Chinese workers' collective struggles were not seen by some scholars as forming a labor movement (Friedman 2014b; Lee 2003).

Although the strikes of Luenshing workers were still confined to one factory, and thus falling into the pattern of cellular activism as characterized by Lee (2007), the new collective action strategy reflected workers' enhanced organizing capacity. The Luenshing workers were not alone in making use of collective bargaining to stage concerted action. Indeed, a growing number of labor NGOs in the Pearl River Delta have been promoting collective bargaining among workers since 2011. Groups of workers at various factories were linked with each other through the platform of newly emerged mobilization-oriented labor NGOs. Chinese labor NGOs and workers even campaigned for the right to collective bargaining by publishing *The Code of Collective Bargaining*, signed by more than 70 worker representatives and labor NGO staff, on October 11, 2013.

Insofar as the interwoven mobilization-oriented labor NGOs, worker representatives, and collective bargaining constituted a local movement center, the recent labor activism gave form to a fledgling labor movement in South China. According to Morris (1984:283), "when a dominated group has assembled the required (organizational and social) resources, strategically placed activists, and effective tactics and strategies for protest purpose, it has developed a local movement center." I refer to the recent mode of worker mobilization as worker-led collective bargaining, marked by overt worker protest leaders, collective bargaining, and concerted action. Promoted by labor NGOs, worker-led collective bargaining proved to be an effective strategy to coordinate sustained worker collective protest against the employers.

What explains the emergence of this new pattern of labor activism? More generally, what accounts for how and why workers engage in certain forms of contention?

One may argue that the recent worker-led collective bargaining initiatives constituted just another form of “rightful resistance,” a term coined by O’ Brien (1996) to describe a mode of popular resistance where protesters use the policies and commitments of the state to mitigate the risks of combating local officials. After all, it could be that Chinese labor activists and workers simply twisted the official policies on collective consultation to avoid repression. According to O’Brien and Li’s (2006:2) influential conceptualization of rightful resistance in rural China, such resistance had four main attributes: it “operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.” Admittedly, the worker-led collective bargaining efforts operated near the boundary of state-sponsored channels, without transgressing forbidden forms of dissent in China, particularly the ban on independent trade unions.

Nevertheless, the recent form of labor activism differs from rightful resistance in that the labor activists and workers focus on building workers’ organizing power, in contrast to rightful resisters’ reliance on the skilful use of official language and fissures within the state. Although the labor NGOs and workers strategically charted a boundary-spanning collective action repertoire, the key goal was to mobilize and coordinate workers’ collective action, rather than using quasi-official tactics to build alliances with state officials. Indeed, workers’ voluntary organization, buttressed by the method of collective bargaining and labor NGOs, began to unmake the molding force of state strategies on collective resistance.

The recent new mode of labor protest does not only diverge from rightful resistance, but it also points to a flaw in its underlying framework which is based on the nexus between state policies and collective resistance. By stressing the close link between the character of the state and the forms of popular protest, this formulation assigns undue weight to the role played by the state in supplying the resources for resistance in terms of official policies and ideologies and state tolerance of fuzzy tactics. This overemphasis on state-sponsored resources downplays the contenders' creativity and access to other sources of resource, and, therefore, reduces the framework's power to explain innovations and changes in the mode of collective protest. In reality, protesters can draw on a wide array of material and ideational resources from other actors within certain society as well as from actors in foreign countries. Testimonies in this regard include the literature documenting social movement spillover effects and the diffusion of social movements within and across countries (e.g., Meyer and Whittier 1994; Givan et al. 2010). In addition to non-state-sponsored resources from other civic actors, contenders may develop their own resources through the process of struggle in terms of enhanced mobilizing skills and informed evaluation of the effectiveness of rightful resistance. Taking into account these multifarious resources for resistance renders the forms of collective protest not only derivative of state strategies, but also dynamic.

Strategic Labor Agency

This dissertation traces the evolution of the new mode of labor activism to the interaction between state intervention and resources for Chinese labor. Burawoy's (1983, 1985)

formulation of the relationship between state intervention and factory regimes provides a theoretical point of departure for analysis of labor regime in China. The different combination of the two dimensions – state support of reproduction of labor and state direct regulation of production – gives rise to broad national patterns of factory regimes (despotic or hegemonic regimes), although specific forms at particular workplace are also determined by the labor process and market forces (Burawoy 1983: 596).

The case of China is different from advanced and many developing countries because a strong authoritarian state has remained in power and directed the core social and economic activities of the country (Gallagher 2002; C. Chan 2014:687). The prominent character of the Chinese labor regime is not only the despotism of the employer, but also, and more importantly, the dominance of state intervention over the interest of labor as well as that of capital. Therefore, I refer to the Chinese mode of state intervention in the realm of labor as an authoritarian labor regime. A key feature of this is the state's bifurcated strategy that confers individual rights on workers but restricts their collective rights (C. Chan 2014; Chen 2015). State restriction of collective labor rights does not mean that Chinese workers cannot collectively negotiate with the employer. Rather, the state imposes constraints on managerial prerogatives with its administrative power. In fact, the Chinese government through the auspice of the official unions has promoted a Chinese version of collective consultation (Clarke et al. 2004; C. Chan 2014) and improved conditions of employment in several cases with the support of state power (Lee et al. 2014). The core of the authoritarian labor regime is that it is state-led; the state controls the processes and outcomes of employment and suppresses of collective alternatives, especially worker self-organization.

Chinese authoritarian labor regime sets limits on the forms of labor contention, particularly the categorical ban on independent trade unions. Meanwhile, the labor regime has attempted to absorb and settle labor unrest with various mediation and legal channels based on individualized employment rights (Lee 2007; Su and He 2010; Zhuang and Chen 2015; C. Chan 2014) as well as the official collective consultation (Lee et al. 2014). Nevertheless, the state strategies neither reduced labor unrest, nor did they determine the mode of labor activism. Wildcat strikes and many other forms of labor protest have erupted (Leung and Pun 2009; Friedman and Lee 2010; Elfstrom and Kuruvilla 2014). As aptly put by Friedman (2014b:6), the central state “is unable to realize its own goals because of self-imposed political constraints.” The contradiction between the state’s individualized inclusion and collective exclusion of labor has resulted in the its failure to address workers’ grievances and thus to pacify labor (Chen 2007; Friedman 2014b).

Furthermore, the state’s failure to resolve labor problems over the past few decades has gradually driven growing indigenous and international resources toward exploring alternative methods to protect and improve the interests of workers. Resources—money, labor, tactics, information—have been crucial in the emergence and development of sustained collective protest (McCarthy and Zald 1977; Tilly 1978:79; Morris 1984). Over the past few years, there have been several sources of change in workers’ resources for resistance. First, change may derive from labor’s purposeful creativity in industrial conflict: “as traditional weapons become blunted, new forms of resistance must be created in what is often a painful and subterranean process.” (Hyman 1982:419) This creativity may result in new weapons or tactics for workers.

Second, and related to creativity, after labor activists and workers' repetitive interaction with the rules of the labor regime, their knowledge of the system and ideas about potential effective contention grew. Gallagher (2006) showed that plaintiffs, after first-hand experience with the legal process, had enhanced legal knowledge and that informed disenchantment ensued. Accompanying this change in legal consciousness may be some hardened labor activists who explored alternative radical means of contention. These committed labor activists may constitute human resources for other workers.

Third, the resources of labor activists and workers have also increased as a result of interaction with other social actors. Becker (2012, 2014) has suggested that migrant workers' ties with urban residents provided them with previously unknown protest strategies and alternative sources of aid. There were also other newly emerged alliances for protesters in contemporary China. As noted by Perry (2008a:212), the rapid growth of the legal profession in recent years, together with the state's vigorous efforts to promote public obedience to laws, has encouraged new alliances between protesters and legal specialists such as human rights lawyers who have in some instances escalated protesters' demands and rhetoric. Perry went on to suggest that "it is difficult to bar professional lawyers from involvement in such cases at the same time that the state trumpets the importance of processing grievances through legal channels." (ibid: 213) Chinese decentralized legal authoritarianism may not only induce legalistic resistance (Lee, 2007). The contradiction within this regime may also prompt some legal practitioners to use extra-legal means to uphold the justice laid in the laws. The legal specialists could be another alliance for Chinese labor.

Fourth, adding to these domestic resources, international labor solidarity networks could provide resources from the global North to fuel the emergence of the Chinese labor movement (Friedman 2009). The most important way through which transnational labor movement networks may stimulate Chinese labor activism is the support of grassroots labor NGOs by providing them with funding and introducing ideas and strategies to develop organizations and to serve labor (Huang 2006, 2008, 2012). Admittedly, some scholars (e.g., Lee and Shen 2010; Franceschini, 2014) have doubted the motivation and effectiveness of labor NGOs as promoters of worker collective action, but there are variations in the approaches of global labor networks and labor NGOs, some of which have promoted local mobilization (Friedman 2009). This variation in strategies, together with the state's hostility toward mobilization-oriented foreign resources, has limited the volume of financial and knowledge resources from transnational labor advocacy networks.

Available financial and knowledge resources do not ensure that a movement will emerge (Morris 1984:283). Rather, activists play creative roles in mobilizing and deploying the resources to develop and sustain protest. In previous years, Chinese labor activists, some of whom were legal specialists, have skillfully used the limited new resources to test boundary-spanning contention tactics within political space. Disenchanted with the official labor system, they have strategically charted tactics that can build up workers' collective power and advance workers' interests, while avoiding outright government repression. It is "*strategic*" labor agency in that it rests on deployment and development of what is available to do what is possible in a hostile environment.

My central argument is that recent worker-led collective bargaining initiatives arose from Chinese labor's strategic agency to adeptly mobilize available resources to effect social change within the institutional red lines of Chinese authoritarian labor regime. This regime had disappointed many labor activists and workers, some of whom became vociferous labor activists seeking alternatives. These activists were either disillusioned with the official labor system as a result of personal experiences, or frustrated by the powerlessness and ineffectiveness of their prior activism which resulted from the authoritarian labor regime. Meanwhile, a segment of the international labor solidarity network began to support worker mobilization by providing financial and tactical resources to Chinese lawyers and grassroots labor NGOs. Prompted by the disenchantment and buttressed by new resources, some labor activists have strategically charted contentious collective action repertoires within the institutional red lines which could mobilize sustained worker protests. Further, some activists adapted and promoted collective bargaining based on early experiments and learning from international experience. Countering the state's insistence on control and its exclusion of labor as collectives, an increasing number of worker protest leaders stood out to openly coordinate collective bargaining with the assistance of labor NGOs. This Chinese version of collective bargaining, or what I called worker-led collective bargaining, proved to be a viable mobilization mechanism which enabled Chinese workers to coordinate sustained and more successful collective action.

This dissertation seeks to document and explain the strategic agency of Chinese labor in a hostile institutional environment. To account for the emergence of a new form of labor activism, it places actions and motivations of the labor NGOs and workers at the

center stage. A core concern of this ground up approach is to examine the ways in which the labor NGOs and workers have transformed resources into power resources and marshalled them in conflict situations to advance the interest of workers. Before delving into the experiences and expectations of Chinese labor activists which constitute the bulk of this dissertation, I will first detail elements of Chinese authoritarian labor regime and political space for labor protest.

Chinese Fragmented Authoritarian Labor Regime and Bounded Repertoires of Labor Contention

China's economic reforms since 1978 have overhauled the socialist employment system and created marketized, legalistic employment relations (Friedman and Lee 2010). Privatization and restructuring of the state-owned sector triggered unprecedented levels of insurgency in the late 1990s and early 2000s which failed to halt the reforms (ibid: 518). The burgeoning private sector is largely supported by the mass pool of rural migrant labor that was sequestered in the countryside by the *hukou* (household registration) system until the mid-1980s. Internal migration policies locked the rural migrant workers into a cycle of permanent migration, moving back and forth between rural life and urban employment. Sun and Fan's (2011) analysis of the 2000 census shows that less than 7.1% of interprovincial rural migrants obtained urban *hukou* (p.99), the official recognition of urban citizenship.

As the collective struggles of the socialist working class during the reform period gradually faded away, a growing portion of the Chinese working class entered the

capitalist world in a landscape completely different from many other working classes in advanced as well as developing economies. First, the Chinese state differed significantly from earlier feudal or bourgeois states in 19th century Europe or in late developing authoritarian states in Latin America. The Chinese state inherited a Leninist state structure and socialist institutions and ideologies, and it developed an institutional infrastructure for the market economy (Chen 2009a:183). Second, the new segment of the working class emerged under appropriated representation, where the Party-state has tight control over the official trade union, the All-China Federation of Trade Unions (ACFTU), which had not represented and was not recognized by workers (Friedman 2014; Howell 2012). This scenario is different from the already radicalized labor movement and relatively independent trade unions in Latin America at the beginning of the 20th century, when industrialization accelerated under authoritarianism. Third, the semi-proletarianization process of Chinese rural migrant workers underpinned by the *hukou* system created divisions and ambivalent identities and consciousness among the new portion of the working class (Lee 2007; Pun and Lu 2010). Therefore, the Chinese working class under capitalist industrialization over the three decades faced a unique socio-political context.

To link the current institutional context in China with worker control and resistance, I draw on Burawoy's (1983, 1985) notion of labor regime, which links state intervention with factory regimes at the workplace. Burawoy (1983:589) was concerned with two forms of state intervention which break the ties binding the reproduction of labor power to productive activities in the workplace: first, social insurance legislation and minimum wages which guarantees the reproduction of labor to a certain minimal level irrespective

of work performance, and second, legislation that limits on those methods of managerial domination, including compulsory union recognition, grievance machinery, and collective bargaining. According to this formulation, legislation constitutes the main content of state action to intervene in the two arenas of reproduction and production.

Nevertheless, the Chinese state has a variety of mechanisms besides legislation to maintain its authoritarian rule (Lee and Zhang 2013). Even in the area of labor legislation, there is an informal moment in the interpretation of laws, the process of enforcement, and implicit precepts that guide state action. In addition to state direct regulations, networks between state officials and the employer influence the types of factory regimes by the officials' implicit approval or tolerance of the arbitrary power of the employer over workers. Informal rules and particularistic networks are not subject to coordination and rationalization at the state level. Therefore, a fragmented authoritarian labor regime takes shape to impact workplace control and workers' mobilization resources. "Fragmented" refers to the tensions between various state policies, government departments, and state officials. "Authoritarian" refers to the dominance of the Party-state as a prominent coordinating actor and decision-maker regarding labor issues. Two core elements constitute the labor regime: fragmented authoritarian regulation of labor and state-capital alliance. The fragmented authoritarian labor regime is conducive to short-lived leaderless protest while suppressing organized resistance.

Fragmented Authoritarian Regulation of Labor

A Core feature of China's fragmented authoritarian labor regulation is the state's bifurcated strategy of conferring individualized employment rights to workers while

constraining collective labor rights (Chen 2015). The specific content of the bifurcated strategy includes four elements: expansive individual-based employment rights, pseudo-collective rights, selective enforcement of the law, and the repression of collective alternatives.

Expansive employment laws are one critical method through which the Party-state regulates employment relations in a market economy (Lee 2007). The Chinese government tends to legislate high standard employment rights due to the long tradition of paternalistic government (Joseph 2009:389) and the socialist legacy of the “iron rice bowl,” characterized by life-time employment and social security. Several employment laws have been promulgated over the past two decades, and the two most important are the Labor Law and the Labor Contract Law in 1995 and 2008, respectively. Other important employment laws include the Labor Dispute Mediation and Arbitration Law (2008), the Social Insurance Law (2011), and the Amendments to the Labor Contract Law (2013). China’s employment laws set high standards by including mandatory social insurance (pension, work injury, unemployment, medical, and maternity insurances) and strong restrictions on dismissal. The laws provide detailed regulations on signing written employment contracts, working hours, timely payment of wages, occupational safety and health, female worker protection, training, social insurance contributions, legally permissible dismissal terms, and labor dispute resolution mechanisms. Individual Chinese workers enjoy employment protection no less than workers in many developed countries.

However, Chinese labor legislation has failed to provide workers with meaningful collective rights (Chen 2007). The Party-state provides pseudo-collective labor rights in the sense that these rights are prescribed on paper in laws or administrative decrees but

are actually impossible to materialize. Collective rights are not absent from China's labor legislation: both the Labor Law and the Trade Union Law contain clauses on the right to organize, albeit vaguely defined, and there are administrative decrees on collective bargaining (Chen 2007:25). On the right to organize, the Trade Union Law stipulates principles of voluntary association (e.g., Article 2) and the democratic election of workplace union committees (e.g., Article 9). However, union establishment must be approved by upper-level unions (Article 11), and there is only one government sanctioned union, i.e., the ACFTU. Regarding the right to bargain collectively, Chinese workers can conclude collective contracts with employers, either through enterprise unions or representatives elected by workers (Article 33 of Labor Law). Theoretically, Chinese workers have the right to elect representatives to negotiate with management without enterprise unions. However, the Labor Contract Law (2008) further stipulates that the election process is to be guided by the regional ACFTU. Moreover, no law protects worker representatives from management retaliation, such as dismissal, while union committees, who seldom represent workers' interests in workplace collective bargaining (Chen 2015), enjoy protection under the Trade Union Law. This polarized legal protection makes the official union the de facto institutionalized representative of workers in the collective bargaining process. Regarding the right to strike, although Chinese workers' right to strike was removed from China's Constitution in 1982, the Standing Committee of the National People's Congress, the highest organ of state power, approved the International Covenant on Economic, Social and Cultural Rights, including the right to strike in Article 8, in 2001. However, this right—which is supposed to be implemented according to domestic laws—has not yet been regulated by any Chinese

laws except for prohibiting strikes by civil servants (Article 53 of Civil Servants Law 2006) and during periods of martial law. Although not expressly prohibited or against any laws, strikes could be criminalized as disruptions of public order or if declared illegal for failing to gain approval from local public security bureaus based on the Law on Demonstrations and Assemblies (Chen 2007: 71).

Expansive employment rights and pseudo-collective rights create room for the government's selective enforcement of laws, which is the third characteristic of how the state regulates labor. Selective enforcement of policies has been a key characteristic of China's fragmented authoritarianism (Lieberthal and Oksenberg 1988; Mertha 2009). Three factors contribute to this characteristic. First are the Party-state's sometimes incompatible goals, such as the contradiction between accumulation and legitimation (Lee 2007:18). Different agencies and levels of the government prioritize varying goals. While the Party-state's strategy of decentralized accumulation (Friedman and Lee 2010) reduces the local governments' motivation to actually enforce the expansive and high standard employment rights, the state's concern for legitimation and social stability prompts the government to enforce parts of the laws or regulations. Second is the lack of pressure from civil society. Given the absence of pressure from independent civil society—either worker collectives or other civil forces—the government enjoys discretion regarding which laws to implement and when and where, based on its goals and assessment of the environment. Third, vague laws and policies also provide room for discretion in implementation. For instance, pseudo-collective rights grant the government discretion in pushing for democratic union reform (e.g., the ACFTU's bottom-up organizing in Walmart stores in 2006, see A. Chan 2007) and controlling grassroots

union functioning (e.g., brainwash training for elected enterprise union chairmen, Howell 2008). Another example is local governments' selective punishment of strikers (Blecher 2010). The government can choose to ignore or punish strikes and protests due to their ambiguous status and conflicts with existing laws.

The fourth characteristic of China's fragmented authoritarian labor regulation is the unyielding repression of any collective alternatives, be it independent unions or any other organized power center in civil society, to prevent the opening of "political choice to isolated individuals" (Chen 2007:66; Przeworski 1991). Authoritarian regimes seek to avoid bottom-up democratic reforms by limiting actors' access to formal organizations for the purpose of protest (Becker 2014:8). "Few authoritarian rulers relish the thought of relinquishing unaccountable power" (Bellin 2000: 181). Authoritarian regimes generally devote a great deal of attention to labor given its special place in the economy and civil society due to its potential to disrupt the economy (Valenzuela 1989:447). Independent labor organizing was and continues to be the most aggressively repressed form of collective action in modern China (Kroncke 2013:116). For the authorities, how workers became organized and mobilized seemed a more important concern than workers' demands; organized resistance *per se* was treated as a political issue, despite that it had the purpose of redressing economic grievances (Chen 2007: 69). The official union, ACFTU, is constrained from mobilizing and organizing workers for the purpose of confrontation or resistance. The government closely monitors and suppresses the few Chinese labor NGOs that provide recreational services and legal aid to workers, let alone organizing activities (Friedman and Lee 2010:524).

In summary, China's fragmented authoritarian labor regulation features "atomized inclusion and collective oppression," that is, the regime attempts to incorporate workers as individuals while placing harsh impositions on workers' collective power. The core of China's current labor regime is "state-led." That is, unlike exclusive and repressive regimes where labor rights are largely unrecognized, the Chinese Party-state grants Chinese workers expansive employment rights and even tends to set high standards as a result of its socialist legacy and the attempt to preempt labor unrest. However, the Party-state—with its control over the labor dispute resolution system, including arbitration committees and courts—is the standard-setter, enforcer, and ultimate guarantor of these rights in the absence of workers' associational power countering employers or state abuse. Atomized inclusion tends to crystalize the power imbalance and to perpetuate state control over labor.

Nonetheless, the Party-state does not completely forbid the exercise of workers' collective power. Again, this exercise should be "state-led" or under the control of state apparatus. In fact, the Party-state initiated several reforms to strengthen ACFTU's representation and functioning and to activate the largely formalistic collective consultation system (Howell 2008; Lee 2009; Liu 2010; Liu et al. 2011; C. Chan and Hui 2014; Lee et al. 2014). For instance, the ACFTU upheld democratic union election experiments started by corporate social responsibility initiatives around 2002 in two Reebok suppliers, and it announced its own version of direct election plans while denouncing and forbidding foreign interference in trade union elections (A. Chan 2009:311-2). Civil society initiatives were repressed, while state-led union experiments continue (Howell 2008). The democratic election of enterprise union committees is not

impossible (union personnel beyond enterprise unions are government officials drawn from the civil servant examination system and are therefore not subject to worker election), but the Party-state must have control over this process (Howell 2008).

State-Capital Alliance

Under China's fragmented authoritarian regime, what form of capitalism or economic order has developed over the past three decades is a debated topic (Boisot and Child 1996; Redding 2002; Fligstein and Zhang 2011; McNally 2011, 2012). China's evolving capitalism encompasses a strong and continuing presence of the government as a dominant coordinating actor, global capitalist influences, and the pivotal role of *guanxi* or networks in business success (McNally 2011). Chinese employers had been embedded in dense networks with government officials and global production chains. China then embarked on a special path of state-led transition to capitalism, relying heavily on foreign direct investment as an important source of capital, technology transfer, employment growth, and actual managerial skills (Gallagher 2007).

The close link between state and capital can be traced back to the gradual development of the private sector since the start of China's economic reform in 1978. In the face of practical and ideological barriers to Western investors in the 1980s, special economic zones and cultural and familial ties have been used to attract overseas ethnic Chinese entrepreneurs to invest in Southern China in the early stage of economic reform (ibid). Keen to attract investment and linked in several ways with the "patriotic" investors, local officials developed close *guanxi*, or ties, with the employers, providing facilities and promising flexible interpretation and implementation of laws (Hsing 1996). The growth of this early experimental foreign sector placed competitive pressure on the

socialist state sector and provided ideological legitimacy for deeper reforms and new labor practices (Gallagher 2007). Since the late 1990s, the Chinese government has reorganized state-owned enterprises and built large state-owned or state-controlled monopolies in strategic industries such as power generation and distribution, telecom, oil and petrochemical, and coal. The burgeoning domestic Chinese private sector is based mainly on retail, real estate, construction, services, and light manufacturing, and it is in the shadow of the state (Fligstein and Zhang 2009:51). Currently, under the auspice of “invite business and attract investment” (*zhaoshang yinzi*), local governments build numerous industrial parks and offer favorable regulations to employers from various countries as well as Chinese domestic entrepreneurs. There are close-knit networks among employers and government officials who invited them into the local economy and promised protection or mutual benefits. Empirical studies have found that managerial ties to government officials significantly improve organizational performance (e.g., Peng and Luo 2000).

Complementing the informal ties between government officials and employers is the Party-state’s tolerance of the development of employer associations. Business and trade associations have been allowed to flourish since the early 1980s while labor organizations have been tightly contained (Howell 2012:286). In addition to the two major official employer associations (China Enterprise Confederation and All-China Federation of Industry and Commerce) that participated in the regional and national tripartite meetings, there are numerous sector-, territory-, or ownership-based employer associations or chambers of commerce that have a range of functions, including coordination of employment-related issues (Liu 2013: 328-9). While most of these employer associations

do not play a substantial role in collective bargaining (Chen 2010:111), some have actively influenced labor law legislation. For example, foreign chambers of commerce have become increasingly organized and powerful in shaping labor law in China (Hui and C. Chan 2014). A recent testimony was the role of Hong Kong business associations in resisting labor legislation in Guangdong in 2013. The first draft of the Guangdong Province Regulation on Enterprise Collective Consultation in 2013, drafted largely by the Guangdong Province Federation of Trade unions, included progressive articles that exempt strikers and allow workers to elect their own representatives in case of dysfunctional workplace unions. However, these articles, once among the most progressive labor law legislation breakthroughs, were removed in the second draft due in large part to strong campaigning and lobbying from Hong Kong business associations. The final Regulation, passed in September 2014 and effective as of January 2015, sets strict limits to strikes.

State-capital alliance allows the latter discretion in punishing worker activists. Because there is no law restricting management retaliation against worker activists, management may fire or demote those employees who speak out in order to advance workers' interests. Employers can justify their retaliation against worker activists through company rules. Specifically, since "gross violation of company rules" constitutes just cause for dismissal (Article 39 of Labor Contract Law), many companies define mobilizing workers and strikes as a "gross violation of company rules" to control workers' industrial actions. In other words, although the Party-state does not ban strikes or mobilization, the employers are currently allowed to restrict these activities in their company rules. Local government's explicit and implicit support enhances employers'

hostility toward strikers. It was quite common for enterprises to take a hard-line attitude toward strikes initially by refusing to respond to workers' demands and threatening to fire those involved, given their understanding of the ambiguous status of strikes and the country's oversupply of labor (Chen 2010:111). Management retaliation is a fundamental obstacle for workers to generate their own representatives, and it is common for workers not to send formal representatives to negotiate with management during the strike in order to protect activists (Leung 2015).

State-capital relationship interacts with ownership status to influence specific labor regimes at the workplace. Although all types of enterprises have to comply with the same labor laws, employment relations in enterprises with different ownership status tend to vary, as these companies operate in different historical, political, and economic contexts (Liu 2013:328). Ownership status tends to be associated with different managerial industrial relation ideologies, which shape managerial strategies toward unions and union functions: state-owned enterprises, with their socialist legacy and close link to government, usually view enterprise unions as a political necessity, have high respect for labor laws, and emphasize employee involvement, while foreign and domestic private employers have diverse ideologies due to their links with government officials, management styles, and personal experiences (Liu and Li 2014:91-7). In general, domestic private employers and those from Hong Kong and Taiwan tend to rely on paternalistic management styles and have low respect for the law (*ibid*). Foreign-invested enterprises, influenced by their country of origin, tend to comply with laws (*ibid*). Of course, this pattern of ownership and managerial industrial relation ideologies and strategies can also reflect the compounding effects of industry, a dynamic that is found to

be correlated with different production regimes, concomitant industrial relations, and labor conflict (Luthje 2012). Nonetheless, ownership remains a critical factor influencing employers' industrial relations practices.

Bounded Repertoires of Labor Contention

China's fragmented authoritarian labor regime opens opportunities and sets limits to labor contention. Workers with grievances may seek redress through various means, including informal negotiation with management, enterprise-based labor dispute resolution mechanisms, strikes, litigation, and so forth, each implying varying costs and rewards (Becker 2014). The state's authoritarian rules and practices and state-tolerated employer retaliation shape the predominant characteristics of labor protests, namely, voluminous legal disputes over individual employment rights, leaderless and disorganized strikes and other violent action, and limited civil society support to workers' collective action.

First, expansive employment rights provide opportunities to advance rights and interests through the official system. Part of the expansive employment rights legislation includes various labor dispute resolution mechanisms. Based on the official design, Chinese workers may address their grievances through enterprise labor disputes mediation committees, enterprise trade unions, collective consultation, staff and workers' representative congress, official mediation, official arbitration, litigation, labor inspection, and petition (Liu 2014).

The Party-state puts great effort into promoting the official channels. Various government agencies have allocated funds to provide legal aid to aggrieved workers. This

funding supports various legal aid centers within ACFTU branches and justice department; it also finances legal aid departments of private labor law firms and some grassroots labor NGOs. Buttressing these financial resources are the mass law dissemination campaigns and the propaganda phrase “Use the law to defend rights”, i.e., protect legal rights through means prescribed in laws and regulations. “Rights-defense” is a hegemonic discourse developed by the political and social elites, who have instilled it in the vocabulary and consciousness of the working class (A. Chan and Siu 2012:86). One of the Party-state’s goals for media and the dissemination of labor law education and information is to channel labor unrest to state-sanctioned administrative or legal institutions to reduce the social impact of workplace conflicts (Stockmann and Gallagher 2011:443-4). The media content on labor issues hews closely to the party line, presenting stories of aggrieved workers’ victory over abusive employers via the legal system, but omitting problems associated with implementation of the law; it further provides legitimating examples to other potential plaintiffs, hence encouraging others to pick up legal weapons (ibid:458). The various state initiatives supply financial resources and legitimacy to the skyrocketing labor disputants.

Despite the state’s promotion, the official mechanisms have inherent contradictions that prevent it from effectively resolving workers’ grievances. In the absence of genuine collective rights and workers’ weak associational power, the enterprise-based channels (e.g., enterprise mediation committees and collective consultation) generally do not respond to or address workers’ demands (Chen 2009b; Clark et al. 2004). Therefore, numerous workers, individually and collectively, rush into government agencies to seek redress (Lee 2007) and remain at the mercy of the capricious political will of the Labor

Bureau and the Courts. Obstacles also exist in the judicial system which is not independent of the local governments which incline toward the interest of capital. Moreover, the three-step official labor disputes resolution machinery (namely mediation, arbitration, and litigation machinery) is based on individual employment rights. It does not recognize interest-based disputes, and it usually divides collective disputes into individual disputes, dismantling workers' collective action (Chen and Xu 2012).

The failure of the official system to resolve workers' grievances is accompanied by rising autonomous collective actions on the part of workers. In fact, the regime's selective enforcement of laws and regulations encourages workers to engage in risky and eye-catching collective actions to pressure the authorities to redress their demands. Nevertheless, pseudo-collective rights and state-tolerated managerial retaliation forestall the emergence of worker leaders to coordinate strikes or other public protests, resulting in leaderless and disorganized labor unrest groups. On the one hand, the lack of legal protection to autonomous worker leaders and employer repression subject identifiable worker leaders to managerial retaliation. Worker leaders identified by management may be fired, transferred, demoted, or blacklisted in the industry (Leung 2015; C. Chan 2010b). Leung's (2015) ethnographical study of the internal dynamics of strikes in the jewelry industry in Guangzhou has showed that workers are reluctant to send their core members to be negotiators to protect informal activists, and many strikes end up without meaningful negotiation.

On the other hand, the regime's approach to controlling further discourages protest leadership. It is a deep-rooted tradition in China to set exemplar punishment, as reflected in the popular old saying, "Kill the chicken to deter the monkeys." Obstreperous

collective protest leaders may be arrested or called in for political questioning, while the vast majority of striking or demonstrating workers may not (Bletcher 2010:103). The government may also buy off identifiable worker leaders on the condition that they leave the strike or protest (Lee and Zhang 2013:1485). In C. Chan's (2010b) detailed case study of a strike in 2007, the ten self-volunteered worker representatives were taken out of the factory in a *police van* after a negotiation with management and officials (emphasis added). They then disappeared from the plant, leaving suspicions and rumors among workers who guessed that the worker representatives were beaten and fired with high compensation. Organizing collective action has been taboo in China that prevents the emergence of identifiable worker leaders (Chen 2010: 111). In general, overt worker leaders who coordinate collective actions may face managerial retaliation as well as political threats and co-optation.

Leaders and uncoordinated strikes and protests usually burned themselves out quickly as a result of management's threats and divide-and-conquer practices and sometimes government officials' misleading persuasion (Leung 2015). Consequently, leaderless and organization-less labor unrest tended to be short-lived, lasting for a few hours or quite a few days.

In addition to the managerial and political constraints on the emergence of leaders and overt worker organizing, the labor regime restricts external resources that may enhance workers' organizing capacity. Given the sensitivity of labor organizing in China, the Party-state is very suspicious that labor NGOs and labor lawyers could be potential sites from which a political vanguard might emerge (A. Chan and Siu 2012). The CCP's history has also fostered authorities' distrust: after all, the Party, with support from the

then Soviet Union to mobilize Chinese workers, was initially not so different from today's labor NGOs (Franceschini 2014: 475). A leaked internal report of the Guangdong government links NGOs' labor rights work with "anti-Chinese" sentiment, accusing them of "receiving financial support from foreign anti-Chinese forces" and "providing gossip to foreign enemy forces" (Friedman and Lee 2010: 524). The government officials tend to tolerate labor NGOs' existence only when they disseminate labor laws or organize recreational activities, filling in the community services vacancy left by the government (Spire 2012; A. Chan and Siu 2012: 99). Even these self-limiting labor NGOs face frequent government harassment (Friedman and Lee 2010). Mobilizing worker collective action seems too sensitive to China's authoritarian regime. Lee (2007: 236) has noted Chinese workers' lack of external alliance such as community-based worker centers in the U.S. (Fine 2006) or church groups and the student movement in South Korea (Koo 2001), in their collective struggle.

Finally, the regime's unrelenting repression of collective alternatives sets limits to the forms and claims of workers' collective actions. That is, there are many actions and demands that are forbidden by the regime with outright suppression via prison or military crackdown. A notable example of a forbidden form of class action is the establishment of independent unions, as shown by the exclusion of the idea of independent unions in current reforms (Friedman 2014b). The Party-state's current tight control and co-optation over ACFTU (Chen 2009b) indicates the regimes' intolerance of autonomous official union. One would not expect to find many forbidden forms of labor contention transgressing the institutional redlines, given the currently high repressive capacity of Chinese authoritarian regime (Hess 2013; Lee and Zhang 2013).

Despite the constraints on workers' collective protest, there remains certain political space for labor unrest rooted in Chinese political culture, the CCP's revolutionary legacy, and the fragmented state.

Political Space for Labor Protest

Although mainland China has never enjoyed democratic rule over its touted five-thousand-year history, those who hold the reins of power were not free to ignore bounds and were expected to demonstrate their claim to the Mandate of Heaven by means of various divine omens (Perry 2001; Zhao 2009). The Mandate of Heaven as a justification for political rulers based on their virtuous conduct can be traced back to the Western Zhou Dynasty in the eleventh century B.C., and it was enshrined in the teachings of Confucius and canonized to become a foundation of state legitimacy in the history of China and today (Zhao 2009). A key component of this political concept is that the Mandate of Heaven was subject to change and required constant renewal through popular support and that the ruler is able to garner such backing by behaving benevolently and providing for the people's livelihood (Perry 2008:39). The most important virtue of a ruler was benevolence or sympathy with the plight of the people, and to neglect the people's livelihood was to invite rebellion (ibid: 40). While "to Americans, *liberty* rather than *livelihood* is the foundation of political morality" (ibid: 44), the Chinese state and populace prioritize livelihood over liberty.

This pragmatic political culture—that people have a just claim to a decent livelihood and that a state's legitimacy depends upon satisfying this claim—links popular protest closely with political legitimacy (Perry 2001). It bestows legitimacy upon popular protest

for securing a livelihood. It is legitimate to challenge the Mandate of Heaven when one's livelihood is threatened, as evidenced by the popular saying "to rebel is justified." Furthermore, since good governance lies in guaranteeing people's livelihood, widespread protest to protect livelihood can easily put the legitimacy of the political ruler into question, even without explicit political demands. Seemingly "apolitical" socioeconomic protest signals political challenge, given the centrality of livelihood for Chinese political morality. The legitimacy and political significance of economically driven protests rendered the state tolerant of or sympathetic to protesters such as strikers or laid-off SOE workers under plight, provided that they remained localized and fragmented. This may explain why the widespread "apolitical" localized strikes could nonetheless secure state responses in the form of labor legislation and improved social policies over the past two decades.

The CCP's revolutionary legacy may also contribute to the state's responsiveness to labor protest. The working class is still claimed to be the leading class in the first article of China's Constitution, and the CCP continues to publicly claim to safeguard the legitimate rights and interests of workers. Despite doubts about the CCP's faithfulness to these claims, they provided ready-made language workers can make use of. These public statements also made it politically incorrect to denounce publicly labor activists and workers' initiatives to advance workers' well-being, although the government may accuse activists with other claims. These political claims are buttressed by various mechanisms to guide reciprocal state-citizen interactions. China is distinct from most other authoritarian regimes that survived the third wave of democratization in that the CCP consciously and systematically rejects liberal democracy as a political model and

instead advocates a rival ideology, namely, the mass line, to handle state-society relations (Chen 2012:89). The mass line seeks to incorporate extensive mass mobilization and a strong participatory role of the populace with CCP's vanguard role (ibid). The core features of CCP's revolutionary authoritarianism, which demands active engagement (rather than "exit") by society, reflects hard-won lessons learned in the course of decades of life-or-death struggles (Perry 2007). Mao's slogan for mass line—"from the masses, to the masses"—illustrated the philosophy of understanding popular needs and communicating with the people during government-citizen interactions. The Chinese state is not a monolith. It is fragmented horizontally by the different functional departments and vertically by different levels along administrative lines. Further complicating this multi-faceted and multi-layered state is that it is also dissected among institutionally situated officials with their own interests and preferences (O'Brien 2003:53). Protesters may build an alliance with some officials or departments within the government to advance their interests, as demonstrated by O'Brien's (1996) concept of "rightful resistance", which hinges on exploiting the divisions within the state. One such political space arose from the difference between the central government, which has passed several pro-labor laws and policies, and the local governments, which were much more likely to prioritize economic development over law enforcement. Workers can use progressive labor laws to pressure the local government to enforce them. In addition, the central government's project of stability maintenance may give workers leverage over local officials. One mechanism that constrains local government is the "one-veto-down rule", i.e., above-quota mass events veto local chief officials' bonus and promotion. Labor activists and workers can capitalize on the pressure of local government officials to

prevent and defuse social protests, with the threat of actual or potential radical collective action in order to seek assistance from government officials. In fact, Chen et al.'s (2015) experimental study found that threats of collective action and of complaining to the upper level of government caused the county-level government to be more responsive to citizen demands for government assistance in obtaining social welfare. In addition to this central-local dynamic, social networks may also influence the operation of state power to favor some activists and protests. One such study by Shi and Cai (2006) found that while the disparate priorities among different levels of state authorities provide opportunities for resistance, social networks between participants of collective action and officials or media workers may significantly help the former achieve success.

Finally, the pervasive use of bargaining with popular protesters that depoliticizes social unrest (Lee and Zhang 2013) may leave room for labor protest leaders. For labor unrest, the Chinese state has gradually endorsed using collective bargaining to settle strikes, partly an outcome of the strike wave led by the Nanhai Honda strike in 2010. The settlement of the Honda strike provides a new model of collective bargaining: after a strike breaks out, regional federations of trade union (FTU) officials (sometimes with government officials) and/or management “help” the strikers elect temporary worker representatives. These representatives then, under the coordination of the regional ACFTU/government officials, negotiate with the employer to solve disputes. In Guangdong, undergirding the regional ACFTU’s move toward this more conciliatory approach is the government’s view of strikes as an economic dispute rather than a stability-threatening event (which is usually repressed) (Feng et al. 2012:7). This new model of government-facilitated collective bargaining has been widely reported and

disseminated. As a result, many government officials dealing with strikes choose to pressure the employer to bargain with workers rather than to use state repression machinery (police and other public security personnel).

Strategic Agency: Social Actors in Social Change

The problem of the relationship between agency and social structure has been a central debate in sociological theory over the past few decades (Fligstein 2001). Increasing efforts to explain social change has placed the discussion within nested systems or institutional or action fields (e.g., Holm 1995; Seo and Creed 2002; Garud et al. 2007; Fligstein and McAdam 2011). The theoretical puzzle is: “how can actors change institutions if their actions, intentions, and rationality are all conditioned by the very institution they wish to change?” (Holm 1995:398) There were two propositions to break through this theoretical paradox, without discounting either human creativity or the institutional constraints. First, various inconsistencies and tensions within and between the nested fields transform the embedded social actors into change agents of the very institutional arrangements (Holm 1995; Seo and Creed 2002). Contradictions as the driving force for social change are also consistent with activity theory, which emphasizes contradictions as sources of change and social development (Engeström 2001). Additionally, critical pedagogy posits the investigation of contradiction as a crucial source of critical consciousness which may result in social change (Ferrier 1970). Second, and particularly emphasized by Fligstein and McAdam (2011), is exogenous shocks, i.e., a local social order being destabilized by external shocks such as invasion by other groups of organizations, actions of the state, or large-scale crises. As the different fields

of modern societies become increasingly connected, changes in adjacent fields or other countries may influence the positions and resources of actors within a focal field, enabling and forging action and change.

Regarding the role of actors and action in the social change process, prior research has examined institutional entrepreneurs, namely, actors who leverage resources to create new or transform existing institutions (DiMaggio 1988; see a review by Battilana et al. 2009). In addition, Seo and Creed (2002) posit that human praxis is the mediating mechanism between institutional contradictions and institutional change. They defined praxis as “a particular type of collective human action, situated in a given socio-historical context but driven by the inevitable by-products of that context—social contradictions.” (ibid: 230). Praxis has both a reflective moment, involving the critique of existing arrangements and the search for alternatives, and an active moment (ibid).

While the literature on the sources and processes of embedded agency is illuminating in understanding why and how social actors make social changes, I argue that effective social changes in authoritarian regimes place a premium on strategic agency, i.e., the effective exploitation of restrictive institutional rules and limited resources to effect social changes. Authoritarian states tend to be more despotic and to have a less developed associational life beyond the control of the state (Zhou 2010: 471). The authoritarian regime’s strong repressive capacity, like the Chinese Party-state, exacerbates the barriers to organized collective resistance and amplifies the importance of strategic agency. Particular to labor contention, an authoritarian state often prohibits independent organizing among politically sensitive groups such as labor, restricts formal channels for the dominated groups to challenge exclusionary institutions, and limits protest

information through control over media freedom and the free flow of information (Becker 2014:8-9). That is to say, the dominated groups under authoritarian rule usually lack effective and viable means to mount collective challenge, and they face restricted resources to mobilize contention. Therefore, how to bend restrictive rules, devise viable contentious tactics, and mobilize restricted resources is critical for dominated change agents under authoritarianism.

Based on previous literature on emergence and success of movements among disadvantaged groups, I argue that three important elements contribute to strategic agency in hostile circumstances: institutional entrepreneurship (DiMaggio 1988), local movement centers (Marris 1986), and strategic capacity (Ganz 2000). Particularly, institutional entrepreneurs are important in devising and contextualizing alternative practices of contention; local movement centers are critical in promoting contentious practices and sustaining protest; and, in order to be effective, alternative practices and organizational resources need to make the dominated groups strategically resourceful, namely enhancing strategic capacity. These concepts have mainly been examined in democratic contexts. Authoritarian regimes may affect their specific forms and practices.

The construct of institutional entrepreneurs focuses attention on how interested actors influence their institutional contexts. Institutional entrepreneurs conceive new social arrangements and leverage resources to promote such new arrangements. Institutional entrepreneurs are pivotal for the emergence of new fields with new practices, identities, and rules (Fligstein 2001; Fligstein and McAdam 2011). Previous research suggests that institutional entrepreneurs undertake three kinds of activities: theorization of the social change they wish to effect, forging affiliations with legitimate actors so that they can

borrow legitimacy from their exchange partners, and mobilizing collective action (David et al. 2013:359). Institutional entrepreneurs who aim to promote social change that impacts the interests of the privileged groups under the authoritarian regime may need additional skills and tactics beyond theorization and leveraging resources. Legal knowledge and personal ties may be particularly important assets for institutional entrepreneurs under such a context, given the despotic nature of an authoritarian state and its tendency to repress collective alternatives. Because of the weak protection of dissenting voices, knowledge and skills with the state's proclaimed laws and policies may provide institutional entrepreneurs with a rhetorical weapon to reason and contend with the dominant groups. In other words, legal specialists may play a special role in institutional entrepreneurship in an authoritarian regime.

A local movement center is a “distinctive form of social organization specifically developed by members of a dominated group to produce, organize, coordinate, finance, and sustain social protest.” (Morris 1986: 284) This special social organization consists primarily of networked organizations and protest leaders that are well versed in particular contention strategies. The ability of a given community to engage in a sustained protest movement depends on that community's development of a local movement center (ibid). “A movement center has been established in a dominated community when that community has developed an interrelated set of protest leaders, organizations, and followers who collectively define the common ends of the group, device necessary tactics and strategies along with training for their implementation, and engage in protest actions designed to attain the goals of the group.” (ibid) According to Morris, formal organization and leadership are the properties of a movement center. That is, “a

movement center” includes formal social movement organizations, which were heavily studied by the resource mobilization literature in social movements (McCarthy and Zald 1977); but it also places emphasis on the protest leaders and the roles of leadership. The particular composition of a movement center varies historically and across contexts. It could be a formal alliance of organizations or informally networked organizations, protest leaders, and followers. In addition, a particular movement center is usually developed to promote specific tactics or practice.

An authoritarian regime may influence the organizational form and practice of local movement centers. Given the authoritarian state’s suppression of movement organizations, movement centers under an authoritarian context may take other organizational forms that could be tolerated by the regime. That is, the movement-fostering organization may take the form or name of existing, legitimate organizations but still engage in mobilizing activities. Related to this point is that to avoid repression, formal movement organizations under an authoritarian regime may not list political goals or radical claims as their explicit missions. Finally, the connections among component organizations and protest activists of a movement center may mainly take the form of informal ties under authoritarianism.

For institutional entrepreneurs and local movement centers to succeed in organizing effective collective resistance in unfavorable contexts, another element is necessary, namely strategic capacity —the likelihood of developing effective strategies (Ganz 2000). Ganz (2000;2009) argues that strategic capacity can compensate for the lack of resources to enable resource-poor actors to achieve desired goals. Ganz (2009:15) further argues that a leadership team’s strategic capacity consists of three elements: motivation, salient

information, and learning practices. These three components are vital for charting new contention strategies that entail innovative thinking and dynamic interactions with opponents. Strategic capacity is of particular importance for resource-poor actors when making strategic choices under dynamic environments in which rules and interests are emergent (Ganz 2000:1011).

The critical role of strategic capacity for labor contention is amplified in authoritarian regimes that feature a threat of repression, control of information, and restriction on organizational resources (Becker 2014). Nonetheless, given the usually paralyzed associational life under an authoritarian regime (Zhou 2010), building this strategic capacity becomes crucial. Moreover, different from Ganz's (2000) analysis based on union organizing among farm workers in California and the conclusion that leadership composition and organizational practices shape the leadership's strategic capacity, the sources and components of strategic capacity, in the absence of formal worker organization and prior contention experience and networking, deserves further investigation.

Studying Labor Unrest in China

In order to examine the emergence of labor NGO-facilitated worker-led collective bargaining initiatives, a key entrance point would be the labor NGOs that assisted workers' sustained collective action. It would provide access to worker leaders and collective bargaining as well as the roles of the labor NGOs in this process. Therefore, the most active labor NGO in advocating and promoting worker-led collective bargaining, Guangdong Laowei Law Firm in Shenzhen, was targeted. Since late 2011, Guangdong

Laowei Law Firm has published several worker-led collective bargaining cases in its practitioner journal, *Research on Collective Bargaining Systems*. It runs a dedicated website, *China Collective Bargaining Forum*, to disseminate strike news and collective bargaining knowledge. It also provides legal aid to dismissed striking workers and advises workers and other labor NGOs on collective bargaining. Although Laowei is registered as a law firm with the judicial bureau, I will refer it as a labor NGO because of its focus on worker mobilization, rather than on providing legal services. It is the best-known organization that has vigorously promoted collective bargaining in China and thus attracts considerable attention from worker protest and scholars.

In April 2013, I explained my research questions to the director of Guangdong Laowei Law Firm, Duan Yi¹, and he welcomed me into his organization as an intern. He was interested in my research topic and granted permission to use materials and observations during my internship in my dissertation. Originally, I planned to work voluntarily at Laowei for two months, but I later chose to stay there for more than a year because the firm maintains the most extensive national networks with labor activists and NGOs. It is the Chinese organizational center of a network that promotes worker-led collective bargaining in China.

As one of Duan's assistants, I participated in almost all his work activities during the 14-month fieldwork. He introduced me to his colleagues, workers, other labor NGO staffs, and government officials as a U.S. Ph.D. student collecting dissertation data. Thanks to Duan's reputation as a great labor lawyer, I can gain the trust of the labor activists and workers quickly. As Laowei is active across China, I was able to interact with workers, labor NGO staff, scholars, and other labor activists from many provinces

¹ I follow the Chinese tradition of putting the surname first, followed by the given name.

outside Guangdong, including Zhejiang, Jiangsu, Shanghai, Beijing, Shandong, Hunan, Guizhou, Shanxi, and Hong Kong. This allows me to place my study on the broad scene of labor unrest in China. I lived in Shenzhen most of the time but spent approximately four weeks observing two active labor NGOs in Guangzhou and three weeks traveling with union officials in Zhejiang, Jiangsu, and Shanghai. During my spare time in Shenzhen, I also visited other labor NGOs and some industrial parks, observed strikes, and talked to workers to obtain an understanding of labor protest without labor NGO involvement.

My volunteer job at Laowei provided me opportunities to record many worker-led collective bargaining cases from the beginning to the end. My main tasks at Laowei included coordinating worker-led collective bargaining cases that Laowei or other partner labor NGOs were assisting (8 cases during my fieldwork); preparing and documenting collective bargaining training sessions that Laowei provided to workers and other labor NGOs (which were numerous over the year); writing background and case reports for collective bargaining workshops attended by worker leaders, NGO staff, scholars, labor lawyers, and union officials (2 in Guangzhou, 1 in Zhejiang, 1 in Henan); and following up on labor dispute arbitration and litigation cases (Laowei's legal aid to dismissed strikers).

My tasks also gave me ample opportunities to observe the dynamics of strikes, mobilization, and collective bargaining. I have observed four strikes, numerous mobilization meetings for 13 cases, and three bargaining sessions among three cases. I also observed numerous training, organizing and mobilization, and celebration events organized by 11 labor NGOs. To broaden data sources and reduce bias, I also observed

strikes (two cases) and labor dispute court hearings (four cases) that were not coordinated by NGOs during my spare time.

In addition to participant observation, I collected deeper data through interviews and informal conversations. Because Laowei provided legal aid to dismissed strike workers, I had the opportunity to interview strikers on their past collective action that was not assisted by NGOs. I have conducted informal interviews with 62 workers involved in 26 collective action cases and 67 staffs or leaders from 36 mainland labor NGOs and 2 in Hong Kong. Finally, exploring the process of labor NGO transformation, I had more than 10 hours of formal interviews with each of the leaders of the two most active labor NGOs, which had shifted from legal aid provision to collective bargaining promotion.

I also collected a considerable amount of secondary data during my fieldwork. I collected workers' writings on the Internet, labor activists' discussions in instant message platforms, labor NGOs' reports, labor dispute court files, media reports, and official documents. To more systematically map the picture of labor NGOs in China, I collected primary and secondary background information on all 100 NGOs based on references made by labor NGO staff and the Internet. The analysis of these data on labor NGOs is presented in chapter three.

I recorded many events, conversations, and interviews when permitted. For interactions not recorded, I wrote down field notes shortly after the events. In addition to the materials I collected myself, I have gained access to ten transcripts of semi-structured interviews with worker protest leaders which were conducted in late 2014 or 2015, after my return to the U.S. in May 2014. I maintained contacts with several labor NGO staff and kept observing the online discussions among labor activists after my departure from

Shenzhen. These follow-up interviews and contacts enable me to fill in missing information when writing up the chapters.

I am fully aware of the strengths and weaknesses of the method of participant observation, which could be even more challenging for a study on strikes and grassroots labor NGOs under an authoritarian regime. First is the issue of being an “intruder” to the scene and destroying a “natural setting.” For the labor NGO I worked for, my presence as a US Ph.D. student was not an “unnatural” event. Actually, they expect and are used to student interns as volunteers. There were over ten master’s or Ph.D. interns (some from overseas, including the UK) in this center over the past few years, and I had more than two student intern colleagues during my stay. Other NGOs that I observed intensively were also used to student interns (studying sociology, social work, law, etc.), and I am just one of the volunteers they interacted with frequently. For the workers who came to the NGO centers for help, I was just one of the interns in the centers who helped them look up labor laws and document their issues. As I had no prior experience in organizing strikes or mobilization, I was unable to offer much advice aside from legal information.

Second are the issues of my informants’ safety and confidentiality and my own personal and political risks. Most of my worker-led collective bargaining cases were reported several times or at least posted on Weibo (a Chinese microblog) and were thus public. Most workers leaders and labor NGOs wanted to release their stories to elicit social support. Some of the cases have even made it into international newspapers or triggered transnational campaigns, publicizing the names of the factories and relevant worker leaders. Therefore, I did not take special effort to recode the names of the labor NGOs, factories, or worker leaders. Because the worker leaders and the labor NGOs’

staff are already identifiable by government officials, talking to me does not put them at risk. Security personnel's conversations with Duan revealed their knowledge of my existence and research. However, I was not personally interrogated or threatened by security personnel or police over the course of my research.

Third is the problem that participant observers may not be able to observe all relevant situations and processes (Bryman 2003:47). This also relates to the "representativeness" of my cases and observations. Fortunately, as the Chinese organizational center promoting the development of worker-led collective bargaining, Laowei offered me full access to the development of this phenomenon. In addition to participant observation of Laowei's ongoing activities, I conducted interviews and examined their documents regarding their prior actions. Multiple methods (observation, interviews, and documents) were also used to collect comprehensive data on strikes and labor NGOs' activities from 2011 to 2014. I had conversations with the leaders or personnel of all eleven mobilization-oriented labor NGOs on their past collective action cases, and ten of the NGOs have provided information on most of their past cases. Several workshops involving labor activists and scholars from other parts of China afforded me opportunities to probe labor unrest in other places. Informal conversations with over a dozen labor academics and ten labor lawyers from various provinces also provided me with general background information.

Stages of the Argument

I took four steps to explicate the process through which Chinese labor activists empowered workers to take collective action and the dynamics and outcomes of Chinese

workers' sustained protests. Each chapter focuses on the origin of the empowering practice—worker-led collective bargaining, the widespread promotion of this practice among NGOs and workers, the background and activities of the worker protest leaders, and how worker-led collective bargaining assisted the process and outcome of strikes.

The second chapter, “The History and Transition of Laowei Law Firm,” asks why and how Chinese labor activists devise and promote worker-led collective bargaining. I argue that experiences in proximate fields (e.g., official system and international advocacy networks) pushed and enabled an institutional entrepreneur to improvise and theorize a new practice. The chapter traces how a leading labor activist and his organization, Duan Yi and Laowei Law Firm, improvised worker-led collective bargaining practices from Western ideas and theorized and promoted worker-led collective bargaining within the Chinese context. The Western idea of “collective bargaining” was adapted to legitimate and consolidate transient worker collectives and collective action. Worker-led collective bargaining was intended to empower worker collectives, helping them elect worker representatives, coordinate and sustain collective action, and bargain with management.

The third chapter, “The Birth and Transformation of Chinese Labor NGOs,” focuses on Chinese labor NGOs. I ask whether Chinese labor NGOs can foster a labor movement through collective action. I argue that a critical dimension of understanding the activities and composition of Chinese labor NGOs is the relationship between rural migrant workers and labor NGO. I further argue that through a process of collective experiential learning, some Chinese labor NGOs have transformed to empower worker collectives and have contributed to a fledgling labor movement. This chapter traces the history and previous activities of Chinese labor NGOs, with a particular focus on their relationships

with rural migrant workers, a group that has emerged in China since the mid-1980s. It then examines the various contradictions that have led some labor NGOs to transform toward promoting worker-led collective bargaining. Finally, I use several cases to elucidate the practices of these new NGOs that promote worker collective action and how they empower workers.

The fourth chapter, “From Cover to Overt: Pragmatic Worker Protest Leaders,” examines the background, ideas, and behaviors of worker protest leaders that emerged during recent worker-led collective bargaining initiatives. The current worker leaders were marked by their emphasis on problem-solving and their flexibility in framing and selecting tactics, which are characteristics of pragmatic protest leaders. The prominence of pragmatism arose from migrant workers’ lived experience and the context under which they emerged.

The fifth chapter, “Building Worker Capacity and Power,” asks whether the labor NGO-assisted worker-led collective bargaining makes a difference in the dynamics and outcomes of strikes. I argue that labor NGO-assisted worker-led collective bargaining enhances the power of strikes through building worker protest leaders’ strategic capacity to effectively deploy workers’ economic, political, and organizational power. A comparison between Chinese strikes in general and NGO-assisted strikes shows that the latter tended to be more sustained and successful. Two paired-comparison case studies on strikes at sister factories further demonstrate how collective bargaining and NGOs’ help build worker leaders’ strategic capacity to achieve their demands.

The conclusion chapter, “Chinese Labor Politics in Historical Perspective,” places my findings of the recent development of Chinese labor activism in historical perspective.

After recapping major research on Chinese labor unrest from the mid-1980s to 2011, I highlight two noticeable features of these recent initiatives: external support to worker mobilization and enhanced organizing capacity of workers. I argue that this development manifested embryonic forms of Chinese workers' associational power, which is based on labor movement NGOs as an organizational vehicle and the collective action repertoire of worker-led collective bargaining. This manifested form of associational power results from the strategic agency of Chinese labor activists and workers to mobilize available resources amid hostile environment.

CHAPTER TWO

The History and Transition of Laowei Law Firm

This chapter investigates why and how Chinese labor activists create and promote worker-led collective bargaining (WLCB) repertoire. The WLCB repertoire is an alternative method through which workers can resolve labor disputes and potentially achieve demands beyond legal terms. This new means of contention contrasts with the official collective consultation system and the individualized labor dispute resolution system. As part of this new repertoire, workers also resort to strikes and other collective action to exercise their collective power when fighting against employers, which makes WLCB a potential facilitator of a labor movement. Nonetheless, collective bargaining (CB) was a foreign concept among most Chinese workers and labor activists before the 2010s. Pivotal to the emergence of this new repertoire is a labor activist, Duan Yi, and his organization, Guangdong Laowei Law Firm. Duan Yi was a famous and rich lawyer who has practiced criminal and marriage law since the early 1980s and has been involved in labor disputes since 2005. In the first three years, lawyers at Laowei represented employees in the official labor dispute resolution system. However, Laowei has changed to mobilizing workers since 2011. I argue that, pushed by disillusion with the official labor dispute resolution system and enabled by international labor advocacy network, Duan Yi and Laowei improvised the WLCB repertoire from the Western idea of collective bargaining and promoted it to multiple audiences.

Although the Chinese government and ACFTU have promoted the system of collective consultation since the mid-1990s, collective consultation at enterprises

remained largely formalistic with a few exceptional factories whereby strikes triggered instances of collective bargaining (Clarke et al. 2004; C. Chan and Hui 2014). Rank-and-file workers were primarily excluded from the consultation process, if it occurred at all. For example, in the official, exemplar collective wage bargaining at the Nanhai Honda factory that has occurred since 2010 in Guangdong Province, many workers have been excluded from and dissatisfied with the reorganized workplace union that bargained with the employer regarding wages (Friedman 2014b); in addition, approximately 500 dissatisfied workers went on strike on their own during the negotiation session in 2013. Additionally, without the positive right to strike or any permissive collective action by labor, the official collective consultation system puts labor in a position of lower power when consulting with management. Beyond the workplace level, the official labor dispute resolution system accepts individual cases or divides collective cases into individual disputes. Disputes were also costly to individual workers in terms of legal knowledge and time. Therefore, certain labor activists developed and promoted an alternative bargaining practice through which workers elect their own representatives, initiate negotiation with management, and resort to strikes or other collective action when necessary. This WLCB repertoire was put into practice in 2011 and promoted among hundreds of workers, particularly in Pearl River Delta (PRD). With the help of WLCB, workers were able to coordinate and sustain their collective struggles, with the longest protest lasting over 90 days (i.e., the protest at Guangzhou Chinese Medicine University Hospital in 2013).

Theoretically, this chapter contributes to the growing literature on how institutional entrepreneurs spur the development of new fields by promoting new practices (Maguire et al. 2004; Battilana et al., 2009; David et al. 2013). Introduced by DiMaggio (1988) to

add agency into institutional theory, institutional entrepreneurs are socially skilled actors who leverage resources to create new or transform existing institutions (Fligstein 2001; Battilana et al. 2009). Institutional entrepreneurs are pivotal for new fields to emerge (Fligstein 2001; Fligstein and McAdam 2011). Emerging fields are social spaces in which rules do not yet exist; however, actors increasingly consider one another in their actions (Fligstein and McAdam 2011:11). Whereas much research has examined the characteristics of, and the conditions that produce, institutional entrepreneurs, much less is known regarding the specific social processes and skills that they use to effect institutional changes (Fligstein and McAdam 2012:7; David et al., 2013). Previous research suggests three main types of activities of institutional entrepreneurs: theorization, mobilizing allies, and collective action (Battilana et al. 2009; David et al. 2013). I argue that improvisation is another important activity of institutional entrepreneurs because of constant change and unexpected events during the process of promoting social change. There is also a need for more research on how proximate fields or actors' embeddedness in multiple fields influence the prospects and process of institutional entrepreneurship (Battilana et al., 2009:88; Fligstein and McAdam 2012:7). By focusing on the impacts of proximate fields (i.e., labor disputes resolution system and international advocacy network) and actions of Duan Yi and Laowei, this chapter elucidates how proximate fields provide the resources (motivational and knowledge) that institutional entrepreneurs utilize, improvise and theorize.

Laowei History and Disillusion with the Official Labor Dispute Resolution System

Guangdong Laowei Law Firm was registered in 2005 and is located in Shenzhen City of Guangdong Province. As a pioneering organization dedicated to promoting laborers' rights and interests, Laowei sets its mission to represent only laborers in labor disputes and charges no fees from laborers, whereas most Chinese lawyers who practice labor law represent employees in some cases and employers in others. Laowei had more than 30 lawyers during its rapid growth period around 2008 and maintained 7 lawyers and 4 staff by 2014. Duan Yi has chosen the strategy to represent only laborers to win the trust of workers. The firm also established a plan of organizing worker membership and using membership fees to sustain Laowei in the long term. However, this plan did not work because Laowei attracted few members in the first year. Without income from labor dispute cases, Laowei's initial survival strategy was to subsidize the free legal aid to laborers with income from other types of cases such as criminal or civil cases.

The founders of Laowei had initially pursued a clear, pro-labor strategy more so due to their background and the accumulated social capital than for ideological reasons. The founders' accumulated social capital also undergirded the space for them to explore new approaches and advocate WLCB at a later stage. At the time of establishing Laowei, the founders, Duan and his college classmate Mr. Liu, had already been famous and earned their fortune. Duan and Mr. Liu, who have worked together since the mid-1980s, have complementary characters with Duan being a risk-taker and outspoken, whereas Mr. Liu is prudent and modest. Although it is a story of team work or shared agency, this chapter focuses on Duan, who tends to be the strategy maker and spokesperson for Laowei. At the beginning of operating Laowei, Duan believed his accumulated social

capital would ensure large commercial clients, and his accumulated wealth would be able to sustain his strategy of free legal aid to workers.

As one of the elite circle, Duan's social capital derived from three main sources: family, career, and college classmates. Duan was born into a military family in Beijing in 1957 with parents who occupied the middle level ranks. He grew up in the military compound, playing with kids of military officers of various ranks. His family connections have helped him win many cases during his law practice. Duan graduated from Law School of Renmin University of China in 1983 and had practiced law in Shenzhen since 1984. He earned his professional reputation by establishing China's first private partnership law firm in 1988, before which the state operated legal services. This legal system reform was a top-down process whereby Duan directly worked with the then Director of the State Ministry of Justice; this contributed to Duan's political connections. In addition to providing him money that accrues to the first mover, this experience also provided Duan with a reputation as an institutional entrepreneur and a flagship person in the justice system. Finally, some of his college classmates became his collaborators, such as Mr. Liu, with whom he founded the first partnership law firm and Laowei, or his friends, who occupied positions in the justice system. In effect, Duan founded Laowei as a favor to his college classmate who ran for president of Shenzhen Lawyer's Association and, as part of his candidate speech, promised to promote 10 specialized law firms in various industries. Because no one wanted to establish a law firm that specialized in labor disputes, Duan's classmate resorted to Duan and supported Duan's new law firm, i.e., Laowei. When establishing Laowei, Duan invested 3 million RMB in it; he did not value tiny attorney fees from workers, if collected.

Duan's successful legal career, together with workers' grievances, contributed to his disillusion with the official labor dispute resolution system. Although he previously practiced criminal and marriage law and was new to the labor field in 2005, his social capital and successful records developed his expectation of and confidence in winning labor disputes. Nonetheless, Duan and his lawyers occasionally lost in apparently simple labor dispute cases. There was once a case in which two twin workers, who worked in the same factory and went into disputes with the employer for the same grievance, filed their cases with the same arbitration committee a few days apart and received different decisions (one won, whereas the other lost). In a few cases, when Duan resorted to his relatives or friends who also agreed with Duan's interpretation of the laws and arguments, Duan received disappointing decisions due to political pressure on the judges. Legal expertise and strong social resources could not help individual workers in many cases. The discrepancies between Duan's expectations and the reality and between his strong resources and simple disputes prompted him to ponder that it is the legal system that disadvantaged workers and that worker grievances resulted from systematic problems and needed a systematic solution.

Furthermore, Duan is sympathetic to injured workers who then suffer from the institutionalized dispute resolution process. Duan used "institutional injury" to describe workers' second-time suffering, after being hurt in the workplace, which resulted from the official system. The official, three-step (arbitration and two court trials) labor dispute resolution system is a lengthy process that may take a worker one and a half years to obtain a final result. Many of those who sought help from Laowei were rural migrant workers who could not afford the time to remain in cities without wages. In addition, the

official system is based on individual employment rights (Chen 2007) and covers a limited number of grievances that are listed in laws. Moreover, many arbitration and court decisions encountered enforcement problems, which added to workers' costs. Duan was moved by workers' misery when interacting and representing workers who have experienced injustice. When interviewed by a journalist from *Southern Metropolis* in March 2013, Duan said "over the years, my tears for workers can overfill a cup."² On several occasions, Duan burst into tears when reflecting on his firm's first labor dispute case in which a female worker died due to delays in the system in 2006. This case stimulated him into labor activism. Below is his account of this experience on a TV show on April 23, 2013. Worker grievances and the unexpectedness interwove to provoke him.

"I thought it was a common sense case. But it took me half a year to go through the examination process to finally get her occupational disease identification. I was very happy and immediately called her to tell her the good news but was told by her family that that she had passed away... This case provoked me intensely. I, as an established lawyer with solid professional knowledge and social networks, was unexpectedly not able to save this young life. After this case, I feel strongly that labor disputes are not simple cases because workers are in a highly disadvantaged position during the rights-defense process and need strong social and legal resources... When I founded this law firm, I basically did not pay much attention to labor disputes. It was this case that stimulated me to change my work."³

Disillusion with the official labor disputes resolution system motivated Duan and his team to explore alternatives to defend labor rights. Duan collaborated with Shenzhen City Federation of Trade Unions (FTU) from 2007 to 2009. The FTU has a large budget that supports legal aid to workers and purchases services from private labor law firms. Laowei became one of the FTU's favorite partners in 2008. Although collaboration with the FTU provided financial resources and political support, which spurred Laowei's rapid growth

² Zhe Yi, "Lawyer for the Commons: Duan Yi", *Southern Metropolis*, March 11, 2013.

³ The link to the TV show: <http://tv.cntv.cn/video/C33907/f321c1646c683ddd9a91f6da0a4e5c44>.

in terms of more lawyers, Duan and the FTU leadership held diverging orientations vis-à-vis protecting workers. For instance, during a conference when asked why FTU and Laowei collaborated to defend workers' rights, one FTU official responded, "to maintain stability." However, Duan emphasized that rights-defense is to uphold social justice. A misunderstanding and diverging choices ended Laowei's collaboration with the FTU in 2009. In addition to contacts with the FTU, Duan attempted to establish 8 worker-elected enterprise unions in 2008. However, none succeeded because the local union officials notified employers and helped employers to establish management-controlled union branches.

Enabling International Advocacy Network

Although Duan has learned about the term "collective bargaining" from certain Chinese scholarly work, he had no experience with CB and had no idea regarding its process and dynamics before participating in training that has been supported by an international advocacy network since 2009. A successful strike and bargaining in 2007 shifted Duan's attention to CB as an effective means to improve wages and working conditions; this was the strike by port workers at Yantian International Container Terminals (one of the largest port terminals in the world) in Shenzhen in April of 2007. Due to their critical position in the international trade chain and the resultant governmental attention, workers achieved their demands of raising wages, receiving overtime pay arrears, and establishing a union branch. At that time, Duan was a collaborator of Shenzhen City FTU, which involved Duan in the process of establishing the enterprise union and the collective

negotiation to settle the dispute. Duan was appointed as the legal consultant to the newly established enterprise union and was appointed to advise the union on CB. With no practical knowledge on CB, Duan found certain online documents on the CB practice of Spain and used that as a reference when guiding the two and a half month-long negotiation. Workers' large gain (i.e., 100 million RMB) through the strike and CB inspired Duan to advocate a collective approach to solving workers' grievances. Duan told an interviewer for *Chinese Workers* (a journal ran by ACFTU) regarding the impact of this case on December 28, 2011.

“After this case, I began to realize that workers, with the power of collective action, can achieve their demands with the simplest, quickest, and most direct means... Since that case, I shifted my attention to protecting rights collectively... We added some new departments including worker training, collective contract, and a website for Collective Bargaining Forum.”⁴

Duan's knowledge on CB institutions and practices was enhanced by overseas labor advocacy networks. A key supportive organization was China Labor Bulletin (CLB), which is located in Hong Kong, a few hours' trip from Duan's office. Duan's first visit to CLB was in 2007 after CLB's initial attempt to contact Laowei in 2006. Duan and the director of CLB, Mr. Han Dongfang, became good friends who discuss various strategies and support each other. Although there was no collaborative work between CLB and Laowei in the first two years, CLB helped Duan obtain an international training project in 2009. This project funded Duan and some of his colleagues' more than one month's study of CB in Italy. Also facilitated by CLB, Duan attended CB training in the Netherlands in 2010 and in Canada in 2011. Based on its long-term networks and

⁴ Jiangsong Wang, “A Look at Collective Wage Bargaining in the Guanxing Factory Incident—An interview with Attorney Yi Duan,” *Chinese Workers*, 2012, 5.

influence in the international advocacy community, CLB was able to arrange tailored training and meetings for Duan and his team. This training provided Duan with the opportunity to understand the history and practice of CB, learn organizing and negotiation tactics, and observe ongoing negotiations in Western countries. Duan shared his learning experience:

“From 2008 to 2010, I travelled many countries to study CB system. I studied intensively theories about CB and CB system and understood well CB system theoretically. After this learning, I was able to give talks [about CB]. After 2010, I started to involve in actual CB cases. One cannot pinpoint what to do without some theories.”⁵

In addition to providing CB knowledge, international advocacy networks also provided Duan and Laowei with financial support. As Duan became immersed in labor disputes, he had less time and energy for other types of cases and lost many non-labor related clients. This reduced his ability to maintain Laowei, particularly after using up his initial 3 million investment around 2010. More than a dozen lawyers left Laowei due to the uncertain economic prospects and the perceived political risk after the break-up with Shenzhen City FTU. Regardless of difficulties, since 2010, Laowei has embarked on CB advocacy work by establishing a website to release labor unrest news and CB information⁶, operating a magazine on CB⁷, organizing workshops called “*China collective bargaining Forum*,” (CB Forum) and training NGOs and workers. Fortunately, Duan was able to find overseas funders to support part of Laowei’s work. Partly because of Duan’s self-determination to advocate CB and partly because of his strong personality,

⁵ Interview with DY, Shenzhen, Dec. 2, 2013

⁶ <http://www.jtjp.cn/index.html>.

⁷ <http://www.jtjp.cn/a/data/journals/index.html>.

the overseas advocacy organizations and individuals took a partnership or supportive approach toward Laowei, which allowed Duan to set his goals and support part of his work through projects when possible. For example, CLB supported several workshops organized in the name of a “*CB Forum*.” However, Duan determined the topics, time, location, and participants and usually paid with his own money in advance. CLB then provided a partial or full refund of the money spent to Duan a few weeks later. In more project-based collaborations with European foundations or Canadian Labor program in 2013 and 2014, the project managers asked Duan what he wanted to do and wrote proposals and reports accordingly. Interestingly, Duan occasionally utilized his English deficiency when interacting with international funders: “I don’t know English, so, you write up the proposal and program. I can sign at the end.” This overseas financial support enabled Laowei to continue its advocacy work. Certain scholars in Hong Kong and other countries also provided international projects to Laowei. Duan’s experience shows that transnational activism can facilitate local mobilization (Friedman 2009) through providing local activists with knowledge and money.

Creative Improvisation and Worker-Led Collective Bargaining Practice in China

Although Duan has accumulated extensive knowledge on CB, a key obstacle that constrains putting it into practice among workers is how to coordinate and legitimize the worker collective to bargain with the employer, given China’s ban on independent trade unions and the existing collective consultation system. The Labor Law (effective 1995) sets the enterprise union as the default representative of all employees who can

conclude collective agreements with management (Article 35). Although Article 35 also provides that, for those workplaces without unions, employees can select representatives, there are no specified selection or election procedures. The Labor Contract Law (effective 2008) further stipulates that, for non-unionized enterprises, upper level FTUs guide employees to select representatives to sign collective contracts with the employer (Article 51). Basically, in legal terms, collective consultation should be controlled by the official unions. Moreover, employee representatives are not protected by any law from management retaliation such as dismissal, whereas union committees, who seldom represent employees' interests (Chen 2009), enjoy protection from the Trade Union Law (effective 2002).

Duan's prior experience and training have not adequately addressed how to consolidate a transient group for collective bargaining without unions. Duan was involved in the negotiation at Yantian Terminal as a union consultant, and his knowledge from the CB training was based on a representative union structure in advanced economies. Duan confronted the challenge of adapting Western style CB to the Chinese context and legitimatizing worker leaders who can bargain with management. Duan improvised a WLCB protocol in 2011 with a group of laid-off auto employees in Shenzhen.

In August 2011, a group of laid-off employees from BYD Auto Company in Shenzhen disseminated their grievances online and established a QQ group (a messaging software in China) to discuss plans of action. Upon finding this news online, Duan's assistant joined the QQ group and won some employees' attention and trust by offering constructive problem-solving comments. After one week of online communication,

several active employees visited Laowei to discuss their case. Duan's team needed to devise measures to consolidate and legitimize workers' collective action. During interactions with workers, Duan's team devised a three-step procedure: electing representatives, signing documents authorizing the representatives, and sending collective bargaining request letters to the employer. Duan described the improvisation as:

“I think my biggest contribution to China's collective bargaining is the practice of authorization-with-signatures, mainly resulting from my professional background as a lawyer. When several BYD workers first come here [Laowei], they ask arrogantly ‘can you solve our problem?’ I ask ‘how many of you?’ They claim they represent 100 workers. [Repelling their arrogance] I ask ‘how do you prove or demonstrate your representation?’ Then, I ponder how to prove the representativeness of [temporary] worker leaders. I then come up with the idea of collecting signatures, asking workers to elect representatives and sign authorization documents... Later, we also write an open letter to management and a help-seeking letter to trade unions ... Authorization-with-signatures is a new creation in China. The core is ‘signature’ [usually with red thumbprints]. Signature means swear in blood. [Chinese] ancient people sign with finger-blood.”⁸

Duan developed a WLCB protocol from the BYD case, whereby he helped more than 100 sales employees obtain severance pay through collective bargaining and protest. WLCB was a new contentious form of labor contention that provides workers voice and control by adjusting Western style collective bargaining to China. The three-step legitimization process circumvented the domination of official unions. It is not that employees and external facilitators such as Laowei exclude official unions from WLCB. In fact, Laowei advised employees to send help-seeking letters to the FTUs in the hope that the unions may intervene and pressure management. Employee-authorized worker representatives may invite the enterprise unions or FTUs to join their WLCB initiatives. However, the representatives attempt to take control of the process. Nonetheless, WLCB

⁸ Interview, DY, Shenzhen, December 2, 2013.

put the unions in the spotlight, revealing their awkward roles during labor conflicts. In the BYD case and in many later cases, what was called “collective bargaining” in China actually involved temporary worker representatives who bargained with management and the union branch (siding with management), in contrast with the typical union-management bargaining in the developed countries where Duan learned the practice. China’s non-representative unions compelled Duan to improvise, utilizing his occupational background as a lawyer (for whom documented paper evidence is crucial) and the Chinese cultural practice of red thumbprints.

In addition to the three steps to legitimize the workers’ bargaining agent, other steps of WLCB include mobilizing workers for collective action, usually in the name of “training”, and collecting a strike fund. “Strike fund” was another creation that needs justification for Chinese workers who do not have the positive right to strike. Duan used “attorney fee” in the BYD Auto case to help the temporary employee leaders collect a small amount of money (e.g., from 10 to 100 RMB) from participants to cover costs such as making banners, printing fliers, and providing bottled water during protests. This fee later evolved into an “action fund” or a “solidarity fund” among other NGOs that changed to promote WLCB (they were not law firms) and served as an important means to garner employee commitment (it was believed that, after participants pay to join the collective, they tend to care more regarding the outcomes).

An adventurous promotion: the Guanxing case as China’s exemplar private collective bargaining

Although Duan developed the WLCB protocol based on the BYD Auto case, it is the CB at a Citizen Watch factory in Shenzhen (Guanxing) two months later that made WLCB headline news. The Guanxing case attracted widespread media coverage and made Duan and Laowei's known as promoters of WLCB. The negotiation in Guanxing factory was applauded as a "collective bargaining template" in China (Lu, 2011) and became a cover interview story in *Chinese Worker* (Wang, 2012). Leung's (2015) dissertation documented this case as a promising example of external support that potentially facilitates the development of an organized Chinese labor movement in China.

What became a successful case was an adventurous experience for Duan's team. In October 2011, a change from a piece rate to an hourly wage system triggered a two-week strike that involved approximately 1200 workers in a Guanxing factory. Workers were forced to resume work by a large number of policemen and various security personnel without solving the core grievance, i.e., 40 minutes of unpaid working time since 2005. However, in the newspaper, certain local government officials reported that they had solved the dispute. A worker from Guanxing reported on their strike on a blog that Duan's staff followed; the staff contacted the worker. The worker responded positively to Laowei's offer of help, and 10 workers visited Laowei on December 6. Duan and his team helped workers coordinate WLCB by: collecting signatures from 584 workers, electing 10 temporary worker leaders, sending collective bargaining requests, and engaging in the first round of negotiations on December 11.

After the impasse of the second bargaining session on the 16th, the worker leaders told Duan that they must obtain a result by the end of that day. Otherwise, workers may strike again. Although Duan's team disagreed with the worker leaders' plan, they agreed

with the leaders to create a plan to walk out of the room after 10 minutes' silence, i.e., a sign that all worker leaders did accept management's offer. The silence began in the third round of bargaining when workers insisted on using their wages in 2011 as the base to calculate overtime pay arrears; management deemed this as lacking legal support. Eager to maintain dialogue, Duan offered a compromise proposal after nine minutes of silence. The managers suggested a break. During the break, the worker leaders blamed Duan, even though Duan shared his plan to garner money in other claims on the employer. Duan then sent a note to management, which nullified his proposal. The bargaining and Duan's authorized involvement (by workers) could end at any moment. However, after the break, management announced their acceptance of the workers' proposal, although they suggested a 30% discount on the total amount; the worker leaders then agreed. Duan shared his experience as:

“After reaching an agreement, I went out of the building, stayed alone, and cried out loud for three minutes [releasing the pressure accumulated over 2-weeks of bargaining]... Laowei was involved in this case after the government officials left... If the collective bargaining broke up and workers strike again, Laowei has to suffer the consequences. We were playing the stratagem of Empty City [an ancient Chinese story which means bluffing the enemy by opening the gates of a weakly defended city].”⁹

Duan's team was thrilled by the success at Guanxing and summarized the cases as the first successful collective bargaining without government intervention and as proof of the possibility of labor-management bargaining as a private governance mechanism at the enterprise level. This successful experience also solidified several remaining lawyers' confidence in Duan and WLCB. One lawyer, who usually spoke minimally, was so

⁹ Interview, DY, Shenzhen, May 18, 2013.

excited after observing the successful negotiation that he spoke excitedly, “I cannot believe it worked out!”

Before the conclusion of the agreement, Duan did not know whether the Guanxing case would be successful and be an opportunity to promote collective bargaining. Taking a case that the government officials reported as being peacefully settled can be risky because it directly challenges their face either by revealing the hidden problem or by outperforming officials with a better settlement. Actually, to buffer or reduce political risks, Duan, who is not a Chinese Communist Party member, demanded his partner (Mr. Liu) and subordinates who were party members produce an internal party branch memo that permitted Laowei’s involvement. This memo was a symbolic risk-buffering tactic for rhetoric purposes. Duan and Mr. Liu also deployed another buffering tactic, which they continue to use: reporting the labor conflict and their intention to resolve the dispute to the City Justice Department and the Lawyers’ Association. Duan’s team took these official organs’ non-action as silent permission. Duan elaborated that these legal departments were not likely to intervene because they did not have a strong reason to stop lawyers from accepting cases and that they would not guide Laowei on how to resolve collective labor disputes, given the risks. Actually, these justice apparatus have not intervened to stop Laowei from accepting most of the collective labor dispute cases over the years. Laowei’s compliance with the procedural rules of the justice system maintained Duan’s protective ties within the system and left the latter with no excuse to threaten Laowei’s registration status or its lawyers.

Theorization and Promoting Worker-led Collective Bargaining

Laowei was crucial in promoting WLCB among labor NGOs and workers in PRD and in expanding the discourse on CB among Chinese scholars and journalists since 2011.

Before Laowei's advocacy, the labor NGOs focused on organizing recreational activities or providing legal counselling to individual workers. Workers lacked the mechanisms to elect representatives and coordinate collective negotiation beyond quitting, entering the official disputes resolution system, or conducting informal negotiations (Becker 2014).

Of course, as discussed above, the international advocacy network, particularly CLB, also played a critical role in enabling Laowei and other mainland labor NGOs to promote this new practice.

Duan set the goal for his new endeavor to promote the establishment of collective bargaining system in China. He identified the various WLCB steps and tactics as “collective bargaining” in China and justified CB as the solution to various social problems such as worker grievances and income inequality. He categorized a variety of activities under the banner of “promoting collective bargaining”: raising workers' collective consciousness, training worker representatives, mobilizing workers for WLCB, providing legal aid to workers who are retaliated against because of strikes or other collective action, reorganizing enterprise unions to represent employees, advocating strike penalty exemption, and expanding the discourse and legitimacy of CB in Chinese society. He also diligently wrote and presented academic papers¹⁰ to demonstrate the value of WLCB to various stakeholders, distinguish WLCB from the existing collective

¹⁰ Selected published papers written by Duan: “Analysis of the establishment of collective bargaining with Chinese characteristics”, China Reform Internal Report, 2010. “Collective Bargaining: A non-litigation method to resolve collective action-ridden collective labor disputes”, Chinese Worker, 2012.

“Administrative labor-management consultation and action-oriented labor-capital bargaining: Analysis and comparison of two models,” 2013.

consultation, and theorize why and how collective bargaining regulations and practices should operate in China. In so doing, he engaged in theorization: the self-conscious development and specification of abstract categories and the formation of patterned relationships such as chains of cause and effect (Strange and Meyer 1993:492). In Tarrow's (2005:104) words, theorization is a type of "folk theory" or narrative that defines something or an activity in abstract terms and locates it within a cause-effect or functional schemes. Theorization renders meaning, significance, and legitimacy to practices and actors (Strange and Meyer 1993).

Duan envisioned a two-tier network approach to promoting WLCB among labor NGOs and workers, i.e., Laowei and affiliated lawyers support labor NGOs that interact regularly with workers. Laowei established collaborative relationships with labor NGOs, helping them with legal issues and offering to provide WLCB training to workers who are organized by the labor NGOs. This division of work leverages each actor's strength; namely labor NGOs, which usually locate in industrial parks or communities, are proximate to workers and have an advantage in reaching out to workers and maintaining worker networks. Laowei can then reach more workers by collaborating with several NGOs and conserve resources to expand legal space for the WLCB (i.e., litigation for penalized strikers and worker representatives) and promote social discourse. This strategy placed labor NGOs in a bridging and thus, an important position. Therefore, Duan put great effort into involving labor NGOs. Nonetheless, this strategy has encountered certain obstacles because many labor NGOs deemed CB training excessively sensitive and initially shunned Laowei's offer.

Duan's two-tiered collaborative network strategy was facilitated by CLB, which has provided financial resources and CB knowledge to several mainland labor NGOs since 2011. Duan introduced a labor NGOs in PRD to CLB, which also proactively contacted potential NGOs partners on the mainland. In 2011, two labor NGOs (Panyu Center in Guangzhou and Spring Wind Labor Dispute Service Center [Spring Wind Center thereafter] in Shenzhen) joined CLB's CB project, which ensured financial support for CB training and practice cases. In 2012, two more NGOs (Sunflower Women Worker's Center [Sunflower Center thereafter] in Guangzhou and Zhongshan Migrant Worker Service Center [Zhongshan Center thereafter] in Zhongshan city) also joined CLB's network. In addition to financial support, CLB also conducted training in Hong Kong for the worker activists and staff of these labor NGOs; the training invited international labor activists to share organizing and bargaining tactics. Duan's team also attended these training sessions, strengthening relationships with the labor NGOs. Duan, who served as a legal consultant to CLB, also acted as an advisor to these CLB-affiliated labor NGOs. An initial network of labor NGOs was formed whereby Laowei coached the NGOs to practice WLCB with workers in PRD.

Duan befriended these labor NGOs and utilized every moment to teach them the logics and tactics of WLCB. For instance, Duan has spent days and nights with a staff member from Panyu MWSC to discuss various issues and strategies; this staff later became a key organizer of WLCB cases in China. The most important method to coach the labor NGOs was teach-by-demonstration, i.e., working through a WLCB case with the labor NGOs. Laowei has been involved in most of the first WLCB cases that were facilitated by the labor NGOs. For example, during Panyu Center's first case, organizing

more than 100 workers from Hengbao Jewelry factory to fight for a retroactive pension contribution, Duan and two other colleagues travelled to the Panyu Center office to conduct training for the workers. The Panyu Center staff and the worker representatives maintained constant discussions with Duan during the one year rights-defense process. The normal procedure was that, when a labor NGO has attracted approximately a dozen worker activists, the NGO invited Duan or his colleagues to conduct training for the workers. Usually after a few rounds of training (comparing the strengths and weaknesses of entering the official dispute system or WLCB), Laowei convinces workers that WCLB is the most efficient method to achieve workers' demands. Then, the NGO and/or Laowei would help the workers elect their representatives and draft a collective bargaining request letter. In many cases, the worker representatives authorize lawyers from Laowei or NGO staff to join their team of negotiators.

The initial successful stories of labor NGO-facilitated WLCB cases provided Laowei with concrete examples to promote WLCB among wider audiences. Duan deployed his rhetorical skills and developed multifaceted narratives that resonate with various organizations and activists, while at the same time emphasizing the need for change. Duan uses narratives of "effecting social change" when addressing different audiences. Duan integrated three themes that he tailored to audiences of various degrees of activism, i.e., the talk of "power to change" to self-motivated activists, "ineffective change" to certain labor NGOs (as well as certain foreign founders) associated with traditional, individualized approach, and the "necessity of change" to wavering practitioners. The narrative was that WLCB or, more broadly the labor movement, can help mount the power to effect social change, whereas the prior individualized approach was an

ineffective practice for effecting change, and environmental (i.e., government and workers) developments necessitated change.

For those activists (labor NGO staff and civil rights activists) who were self-motivated to effect social change, Duan usually argued that the worker collective was the most important source of power to effect social change and, after developing agreement on this point, he discussed worker mobilization techniques that included solidarity development ideas and WLCB steps. For this group of audiences, WLCB was framed as an effective method of mobilization to wield power. For instance, during a meeting with activists of the Southern Street Protest Movement (SSPM, groups of civil rights activists featuring protests in the street in PRD), Duan said, “[M]any civil rights protest events are just a way of venting without power. For labor movement, when workers strike, it has significant impacts. However, for civil rights protesters, you still have to live tomorrow without much impact on the government and society. I suggest you establish a worker department to follow labor issues. Once allied with the labor movement, you will feel the power.”¹¹ Duan persuaded several activists from the SSPM to support WLCB (e.g., donations and disseminating strike news); one activist has persistently participated in WLCB activities and became a labor activist since September 2014.

For labor NGOs and the foreign founders that continued to support individual-based programs such as helping work-injury victims and corporate social responsibility projects, Duan first questioned the effectiveness of their approach and then presented the WLCB approach. A typical question Duan posed is this: during the decade in which you worked on or supported this type of program, victimized workers and labor rights-violation increased; how about working on or funding more effective projects to really change the

¹¹ Field note, Shenzhen, Nov. 3, 2013.

situation? The theme of “ineffective change” appeared both in Duan’s persuasion talks and in certain transformed NGOs’ narratives of their motives for change. For example, Little Grass was frustrated by the fact that they saw no change after ten years’ work and, therefore, was receptive to alternatives in 2013. For foreign funders, although Duan’s unrelenting questioning dissuaded potential funders¹², he has secured funding projects from Europe and a few other countries to support WLCB since 2012. He has also persuaded a few project managers in Hong Kong to instruct their subordinates in Shenzhen to focus on collective cases¹³.

For wavering labor NGOs and observers, Duan integrated governmental repression and developmental trends to construct a narrative that signals the necessity of change. This was tailored to those who continue to consider WLCB too sensitive. In mid-2012, there was a wave of government repression (frequent inspections and eviction) of a dozen labor NGOs in Shenzhen. Duan seized this event to show that the traditional individualized-help approach also could not guarantee labor NGO survival. A typical comment to those wavering labor NGOs is (particularly after 2012): when you focused on recreational activities and visiting injured workers, the government still drove you out from district to district; thus, why not mobilize workers to garner support from workers? Furthermore, Duan preached the necessity of change by predicting that recreational activities and legal aid will be obsolete in the near future (professionalized, replaced or co-opted by governments’ social service buy-in programs), whereas NGOs that promote WLCB would enjoy an expanding living space because of workers’ rising demands and strikes. In March of 2015, Duan organized a workshop on “working strategies and the

¹² One funding project manager was once harshly criticized by Duan and cried.

¹³ Interview with MWC, Shenzhen, December 4, 2013.

transformation of labor NGOs”, inviting approximately 6 NGOs in PRD to discuss how to collaboratively promote the workers’ movement. His speech was widely disseminated among labor NGOs, and the English version was published by CLB.¹⁴ The key idea was that the work of labor NGOs should follow workers’ demands and that workers are now increasingly demanding more rights and dignity, which entail a collective approach. Duan coined the term “labor movement NGOs” to denote those NGOs that mobilize workers to fight for more rights and predicted that this new type of NGOs will grow in the future.

By the end of 2014, Laowei has coached seven labor NGOs to practice WLCB¹⁵. These labor NGOs have been involved in more than 70 collective bargaining cases¹⁶, helping thousands of workers elect their representatives to bargain with management. Among these cases, Laowei has coordinated or been involved in more than 20 cases, representing workers in negotiation, helping labor NGOs, or aiding punished worker representatives. In addition, Duan has also influenced several individual activists to promote WLCB. Partly influenced by the new practice and discourse, two other labor NGOs (Red Flower & Grass and Migrant Worker Center in Shenzhen) have also experimented with WLCB cases. Moreover, certain NGOs, which focused on legal counselling and training, have proactively requested people from Laowei to provide CB training.

¹⁴ <http://www.clb.org.hk/en/content/china's-labour-groups-need-be-line-needs-and-demands-workers>.

¹⁵ By the order of time: Panyu Center, Zhongshan Center, Sunflower Center, Spring Wind Labor Center, Little Grass (not in CLB network), Brother Hai Worker Service Center, and New Work Art (not in CLB network).

¹⁶ CLB-affiliated labor NGOs have involved in more than 70 cases, based on CLB’s Director, Mr. Han Dongfang’s account, U.S. house testimony, June 17, 2015.

In addition to the WLCB practice among labor NGOs and workers, Laowei has also expanded the discourse on WLCB over the past five years. The term “collective bargaining” was politically sensitive among most scholars before 2007. The situation has improved, and “collective bargaining” began to be recognized and frequently used by many scholars and journalists in the early 2010s. In fact, Duan organized one of China’s first conferences with the term “collective bargaining” in the title (“*Collective Bargaining and Corporate Social Responsibility*”) in Shenzhen, December 2007. He established another organization to specialize in organizing conferences. The organization was initially called “Collective Bargaining Forum” in 2010 and later officially registered in Beijing as “Beijing Mingde Institute of Labor Relations and Employment” in 2014. From 2011 to 2014, Duan organized 11 conferences, involving scholars, government officials, lawyers, labor NGOs, and worker representatives to discuss how to institutionalize collective bargaining in China¹⁷. Duan and Laowei have become a symbol of WLCB and the emerging worker movement in China.

Concluding Remarks

This chapter asks why and how the leading labor activist and organization create and promote the WLCB repertoire in China. Experiences in proximate fields (e.g., official system and international advocacy network) pushed and enabled an institutional entrepreneur to improvise and theorize a new practice. Specifically, disillusion with the official labor disputes system and support from an international labor advocacy network prompted Duan and Laowei to improvise the WLCB practice from Western ideas and

¹⁷ A list of the conferences can be found: <http://www.jtpt.cn/plus/view.php?aid=5662>.

theorize WLCB within a Chinese context. As an alternative to the official collective consultation system or the individualized labor dispute resolution mechanisms, WLCB was a practice that empowers worker collectives, which helps them elect worker representatives, coordinate and sustain collective action, and bargain with management. The western idea of CB was adapted to legitimate and consolidate transient worker collectives and collective action. Furthermore, these grassroots bargaining initiatives and the supporting activities were framed as a movement that targets the collective bargaining system or the genuine right to bargain collectively.

Pertaining to Duan and Laowei's crucial role in theorizing and promoting the WLCB repertoire, can Duan survive and continue to support this fledgling movement? Or how has Laowei survived while instigating collective action under an authoritarian regime? In several aspects, Laowei and the labor NGOs that promote WLCB were creating short-term problems for the government, revealing malfunctioning official unions, organizing workers to petition government, and helping strikers. For the public security department, Laowei was a potential collective event-instigator who deserved constant monitoring. Particularly, the ACFTU and many union officials at the local level perceived Duan as threatening to their work and legitimacy. As one Shenzhen city FTU official said, "you [Duan] may do something peripheral that unions do not do. However, don't encroach on unions' core tasks [collective consultation]." ¹⁸ Laowei and Duan are under constant surveillance. Duan must meet people from the domestic security department, the stability maintenance office, and the justice department. Duan took the numerous meetings with these people as opportunities to explain his work and has succeeded in garnering their understanding in most cases (note that Duan is a prominent lawyer with high rhetorical

¹⁸ Interview, Shenzhen, May 6, 2014.

skills). These surveillance meetings, ironically, help Duan cultivate supportive ties with certain surveillance personnel.

These newly cultivated ties and Duan's existing social network interwove with fragmented governance to protect Duan and Laowei. For example, in early 2013 when the director of ACFTU (who was also a member of the Politbureau and a vice head of the National People's Congress) had requested the Guangdong police to arrest Duan, Duan's friends informed him of this potential arrest and prepared for him to travel overseas for a while. Duan believed that he had done nothing wrong and decided to remain on the mainland. Although he had prepared for his upcoming detainment (collected money for Laowei and prepared legal documents), the local police department did not take action. The horizontal divisions among government agencies also provided Duan space. For instance, warnings regarding Duan and Laowei have increased in the City Justice Department over the past few years. However, the justice officials, who have known Duan and deemed Duan as a symbol of Shenzhen's legal reform efforts, ignored these warnings. Solely for crucial warnings, the officials talk to Duan to determine whether he can change slightly. Given Duan's social network and the division between the levels and agencies of the government, Duan and Laowei may continue to survive and develop, unless the Party has a united political will to strongly repress Duan's initiatives.

CHAPTER THREE

The Birth and Transformation of Chinese labor NGOs

Can Chinese labor NGOs foster a labor movement through collective action? Much of the current literature suggests that launching such a movement will be difficult, as these NGOs have done little to cultivate collective action among workers. First, Some have argued that by focusing on legal aid and other forms of support for individual workers, Chinese labor NGOs have contributed to the state's efforts to individualize labor disputes and have become "anti-solidarity" machines (Lee and Shen 2011; Friedman and Lee 2010; A. Chan and Siu 2012). Second, several factors prevent Chinese labor NGOs from participating in or mobilizing a movement. These include NGOs' precarious status under China's authoritarian regime (Cheng et al. 2010; He and Huang 2015), commercialization and state co-optation of grassroots labor NGOs (Lee and Shen 2011), limited political opportunities (Xu 2013), the state's welfarist incorporation (Howell 2015), problems of internal governance and limited human and financial resources (C. Chan 2012), and NGOs' lack of "social capital" in their relations with the state, workers, international donors, and other NGOs (Franceschini 2014). Given these obstacles, how can we explain the fact that some labor NGOs have been promoting worker collective action since 2011?

I argue that relationships between NGOs and rural migrant workers are critical to understanding the activities of Chinese grassroots labor NGOs and their role in the labor movement. I further argue that, through a process of collective experiential learning, some Chinese labor NGOs have transformed to empower worker collectives and have contributed to a fledgling labor movement. Since the late 1990s, Chinese labor NGOs

have been mostly created by former rural migrant workers¹⁹ and supported by funders that focused on the plight of marginalized rural migrant workers. Some concerned professionals (e.g., lawyers, scholars, and journalists) have also created labor NGOs for, or to serve, rural migrant workers. The initial activities of these NGOs fell into two broad categories corresponding to the major needs of rural migrant workers seeking to live and work in cities: first, recreational and cultural adaptation and, second, legal counseling and representation. Recreational/cultural-oriented labor NGOs worked with rural migrant workers to enhance their adaptation to the cities and to facilitate the formation of new identities as workers or citizens. The legal rights-oriented labor NGOs worked on behalf of rural migrant workers by helping them to gain a voice and by defending their rights during labor disputes. These earlier endeavors enhanced NGOs' experiential learning about the effectiveness and viability of their strategies. When certain strategies failed to achieve significant improvements for rural migrant worker *groups*, this prompted some labor NGOs to experiment and/or to adopt a different viable strategy, namely, worker-led collective bargaining, as a means of empowering worker collectives to address the root causes of their problems. Collective experiential learning, i.e., practical learning among labor NGOs and between labor NGOs and rural migrant workers, underlay the NGOs' transformation. These reoriented, labor movement NGOs now empower worker collectives through developing workers' leadership skills and advising them on collective bargaining tactics.

¹⁹ I employed a broad definition of "rural migrant workers" to include those who work in urban areas but hold a rural *Hukou* (household registration) and a few who may hold an urban *Hukou* but are from less developed counties in inland provinces and engaged in migrant work in large cities. This is because my informants referred to or identified themselves as "rural migrant workers" without specifically invoking *Hukou* status. The key characteristics of rural migrant workers in this study are that they are from impoverished parts of China and have migrant work experience.

Chinese labor NGOs are nonprofit organizations whose primary goals and activities concern workers and labor issues. These grassroots labor NGOs may officially register as nongovernmental nonprofit organizations, as business entities, or they may not register at all due to China's restrictive registration regulations. They may obtain financial resources from overseas funding, government projects, domestic foundations, domestic donations, or self-generated income. They vary in their origins, goals, sizes, and organizational forms. Some may focus on women workers or work-related injuries. Some may operate as law firms or research centers within universities. This chapter excluded those NGOs that focus on migrant workers' children rather than on *labor* issues (e.g., worker education, culture, litigation, injury, pay, and working conditions). In China, "grassroots NGO" refers to a group formed by Chinese citizens without governmental initiative; such a group has not been officially incorporated into the Party-State (Spire 2011:10). The line between grassroots labor NGOs and "social work centers" that are wholly sponsored by the government has become increasingly blurry, as the latter sometimes operate programs that serve workers. Since 2008, the Chinese government has been purchasing services from social work organizations and allocating a large budget for the purchase of "posts" within them. Under these arrangements, the government pays the salaries of professional social workers within these organizations. This chapter focuses on those NGOs that focus on workers and labor issues as their *primary* goals and activities, and excludes those social work centers that have a small labor-related program among their various activities to serve the community.

This chapter uses participatory observation of five labor NGOs in Guangdong Province and on interviews conducted with 67 founders and staff of 36 mainland labor

NGOs and two NGOs in Hong Kong. Additionally, I also drew from newspapers articles, online posts, labor NGOs' internal reports, and academic publications. Specifically, I collected information on all 100²⁰ labor NGOs (date of foundation, location, and major activity) across China based on fieldwork with informants, online research, and previous academic publications.²¹ There are no accurate data on the number of labor NGOs in China and no official register of Chinese labor NGOs. Informants estimate that there are approximately 100 labor NGOs. Therefore, I have created the most comprehensive descriptive dataset of the Chinese labor NGOs that is currently available.

This chapter begins by introducing the history of Chinese labor NGOs with a special focus on their relationships with rural migrant workers. The second section provides an overview of labor NGOs' earlier practices (prior to 2011), explicates their underlying logic of choosing these individualized approaches, and evaluates their potential long-term contributions to a labor movement. The third section traces some labor NGOs' transition to a focus on worker empowerment and examines the various contradictions that led these labor NGOs to promote worker collective action with collective bargaining. The fourth section focuses on the practices of labor movement NGOs and examines how their activities empower worker collectives. The final section evaluates the roles of the mobilization-oriented labor NGOs in fostering a labor movement.

²⁰ Nine of them were subsidiaries of other NGOs. For instance, "Little Bird" had three subsidiary offices in Shenzhen, Shanghai, and Shenyang. However, they were counted as separate NGOs for two reasons. First, the Chinese government has restricted NGOs' expansion and requires subsidiary NGOs to go through separate registration with the local government. Second, the labor NGOs themselves count the subsidiary NGOs as separate entities (i.e., the headquarters of an NGO list subsidiaries as separate entities; local NGOs also count the branches as separate organizations joining the local NGOs community).

²¹ I draw on two papers that examined labor NGOs in PRD from 2006 to 2008: Huang, 2008, "Rural Migrant Workers Organizations and Global Labor Solidarity Networks—A survey of rural migrant workers' organization in PRD," *Survey World*, 5:22-25 (in Chinese). He, Jingwei, Huang, Peiru, & Huang, Hui, 2009, "Sandwiched between Resources and Institutions: Survival Strategies of Rural Migrant Workers' Grassroots NGOs," *Society*, 29(6): 1-21 (in Chinese).

The Birth of Chinese Labor NGOs: By and for Rural Migrant Workers

The birth of Chinese grassroots labor NGOs is closely related to the history of rural migrant workers, a new segment of the Chinese working class that has developed in large quantity since the mid-1980s. China's economic reform began in 1978 with the government's dismantling of rural communes to increase agricultural productivity. In 1984, the central government issued a document permitting people with rural *Hukou* to live in urban areas, thus allowing mobility without loosening household registration. While some of these new city dwellers started small businesses, many of them worked in factories. Both groups worked without local *Hukous*, which were needed to obtain many local government services. Being marginalized in their new cities and in society as a whole, this growing group of rural migrant workers experienced daily hardships that have shaped the origins, locations, and composition of Chinese grassroots labor NGOs.

Chinese grassroots labor NGOs were created to serve rural migrant workers. China has witnessed the extraordinary growth of commercial and professional associations under an expanded political space for civil society groups in the 1980s (Howell 2012). However, the first group of labor NGOs did not emerge until the latter half of the 1990s, precipitated by rural migrant workers' growing grievances. In the 1980s, rural migrant workers occupied high-paying jobs in the burgeoning private sector, enjoying higher wages than civil servants and employees of State-owned Enterprises (SOE). They were not yet perceived as a vulnerable group that needed external support. Nonetheless, their working conditions and relative wages began to deteriorate since the early 1990s. A special event was the tragic incident in 1993 – the Zhili Toy Factory fire in Shenzhen –

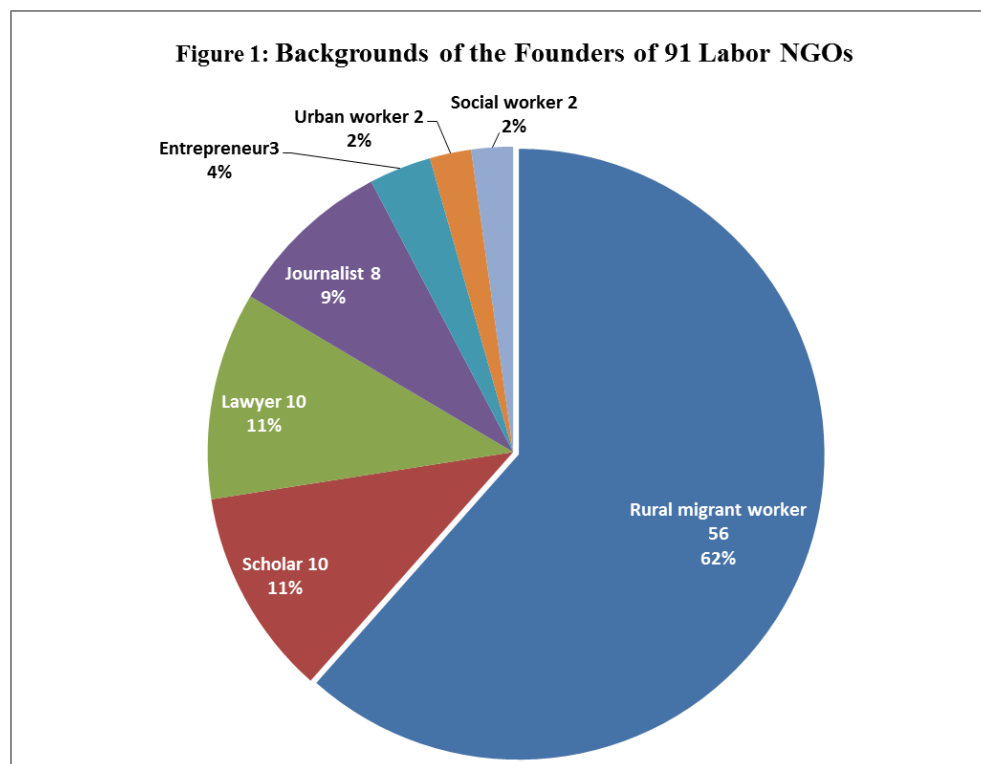
which killed 87 female rural migrant workers, exposing the problems facing this population and attracting societal attention. It was following this horrific fire that scholars, activists, and Hong Kong NGOs began to campaign for mainland workers' rights (C. Chan 2012:10; Howell 2015). This growing attention was met with expanded political space for gender issue-oriented NGOs in 1995 when the Fourth World Conference on Women and the parallel NGO Forum on Women in Beijing brought the concept of NGOs and issues of feminism to China (Howell 1997). Shortly thereafter, feminist activists and scholars started the first Chinese labor NGOs to serve female migrant workers. The impetus came from a newspaper editor for *Chinese Women News* who had attended the World Conference on Women and determined NGOs to be a promising organizational structure. In April 1996, she founded the first Chinese labor NGO, "Beijing Women Migrant Workers' Home" to serve female rural migrant workers in Beijing. Meanwhile, a scholar established "Beijing Action for Community Sisters" to foster social integration among women migrant workers. Both of these new organizations were registered as business entities. Concurrently, a group of Hong Kong scholars and feminist activists collaborated with a Nanshan District FTU in Shenzhen to establish a "Women Worker Service Center" in Shenzhen, the first in PRD.

While the first few labor NGOs were created by concerned professionals to serve women rural migrant workers, the majority of grassroots labor NGOs were founded by former migrant workers themselves. After the promulgation of China's first Labor Law in 1995, several lawyers and citizen agents who had formerly been rural migrant workers emerged in Guangdong Province in the late 1990s. They became rights-defense heroes in the media, actively helping injured and ignorant rural migrant workers navigate the labor

dispute resolution system²². One such rural migrant worker, Liao Xiaofeng, who taught himself China's labor laws and helped his rural migrant worker friends win labor dispute cases, established "Panyu Migrant Worker Document Processing Service Center" (namely Panyu Center) in Guangzhou city in August 1998. Unaware of the concept of an NGO, Liao and his colleagues operated the center as a business that helped rural migrant workers with labor disputes. However, they encountered difficulties in collecting service fees from their poor migrant worker clients, many of whom had no money or returned to their hometowns after their cases were resolved. A few months after establishing it, Liao left the center and transferred it to his colleague, Zeng Feiyang, a paralegal who had been inspired to join the cause after learning about the unfair treatment of injured rural migrant workers in his previous law practice. Zeng learned about non-governmental organizations during a conference in Beijing in 2000. He changed the Panyu Center to an NGO in 2001, after securing funding from the Hong Kong Christian Industrial Committee. The Panyu Center is considered the first mainland "grassroots" (founded by people at the bottom) labor NGO in China. Similarly, experienced rural migrant workers who had accumulated knowledge about labor laws and/or city life, also established NGOs to help their fellow migrant workers in other parts of China. A rural migrant worker from Henan Province founded the "Little Bird Migrant Worker Mutual Help Hotline" in Beijing in June 1999. Another rural migrant worker from Shaanxi Province founded the "Little Chen Hotline" in Qingdao, a city in Shandong Province, in November 2000.

²² The most famous such "migrant worker protector" is Zhou Litai, a rural migrant worker-turned-lawyer who obtained his lawyer's license through self-study. Although he founded a law firm in Chongqing city and set up a branch in Shenzhen to handle labor disputes, I did not count him as an NGO founder because he helped injured rural migrant workers for profit. Online, he vigorously condemned his rural migrant worker-clients for running away without paying attorney fees. His condemnations were reported in the media in 2007.

Based on fieldwork and internet research on the occupational backgrounds of 91 labor NGO founders, I found that 55 (62 %) of these NGOs were established by former rural migrant workers, 10 (11%) by scholars, 9 (10%) by lawyers, 8 (9%) by journalists, 3 (4%) by sympathetic business owners, and 2 (2%) by social workers (see Figure 1). Interestingly, two labor NGOs, that were established by urban activists who had experience with SOEs, also targeted private sector workers, most of whom were rural migrant workers. See appendix A for the list of 100 labor NGOs (English and Chinese names), backgrounds of the founders, founding year, location, and dominant activities in 2014.



The rural migrant workers-turned-NGO founders typically had personal experience with injustice in the workplace, particularly workplace injury. Some of these founders

had been seriously injured: the founder of the Migrant Worker Center in Shenzhen was disfigured by sulphuric acid, the founder of the Friends Alliance Book Center had lost his right hand, and a survivor from the Zhili Factory fire had lost both legs. While some rural migrant workers sought justice by learning labor laws themselves, some of the injured were assisted by Hong Kong NGOs and encouraged to join labor NGOs. Because of their experiences with injustice at factories, some rural migrant workers knew firsthand of the lack of support for aggrieved rural migrant workers and the need for such assistance. This knowledge spurred some of them to establish organizations to protect others in the same position. The reflection below by Zhang Zhiru, who founded an NGO in 2004, is quite typical of rural migrant workers-turned-labor NGO founders²³.

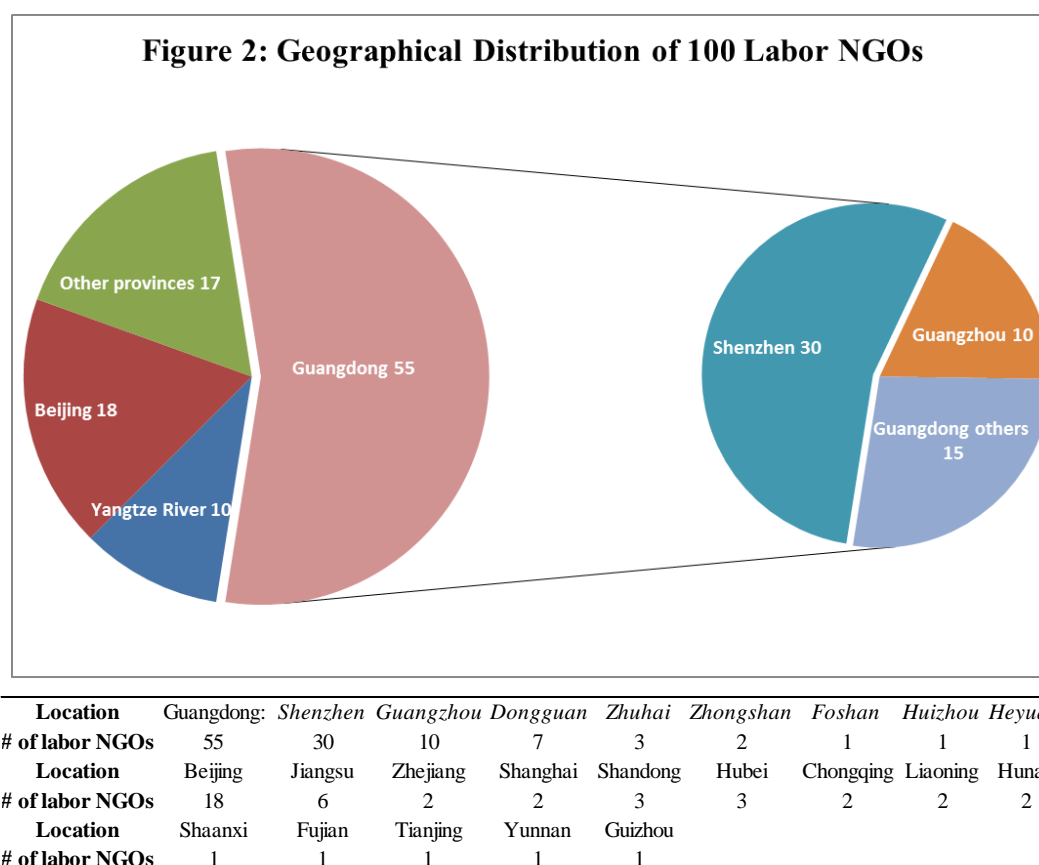
“Unfair treatment of migrant workers was everywhere at work and daily life. This made me feel that we migrant workers had no value or dignity at the workplace and in the eyes of local government; we were just money-making tools for factories and animals for local government that could be sacrificed anytime in exchange for economic development. When migrant workers’ interests were infringed upon, there was no one at all who stood out and spoke for us. We, migrant workers, became lambs at the mercy of others to be slaughtered at will. These events made me feel that working people, especially we migrant workers, really need someone to stand up to say ‘no’ to government and employers and to strive for our entitled rights and interests, defending our dignity as human beings.”

After enduring a work-injury labor dispute alone in 2002, he wrote:

“When defending my rights, I met many workers who ran about for their rights in the labor bureaus and courts. Akin to me, many of them were unable to hire lawyers, didn’t know much about laws, and typically didn’t get favorable outcomes. Seemingly simple and clear cases were not supported by the court. I understood that migrant workers could not defend their interests and rights without knowing the laws or having the money to afford lawyers. Once I began to understand the laws, I started to think about how to help those migrant workers without legal knowledge and money. Therefore, the idea of a migrant worker federation came up to my mind again.”

²³ From Zhang Zhiru’s autobiography online: http://blog.sina.com.cn/s/blog_4b79809f0101fm3p.html.

The close relationship between rural migrant workers and grassroots labor NGOs is also reflected in the geographical distribution of the NGOs. Out of 100 grassroots labor NGOs, more than half are located in Guangdong province (see Figure 2).



Guangdong hosts approximately one-third of all cross-province rural migrant workers in China (Zeng 2013). Additionally, since China's economic reform, Guangdong has witnessed more labor disputes (as indicated by legal records) than any other province.²⁴ Its large population of rural migrants and high volume of labor disputes served as fertile ground for turning rural migrant workers into NGO activists. The large migrant population also provided abundant beneficiaries, which the NGOs intended to serve. Shenzhen, a city of rural migrants and an extraordinary level of labor conflicts, hosts

²⁴ <http://www.labournet.com.cn/ldzy/ckzl/ckzl2b.asp>.

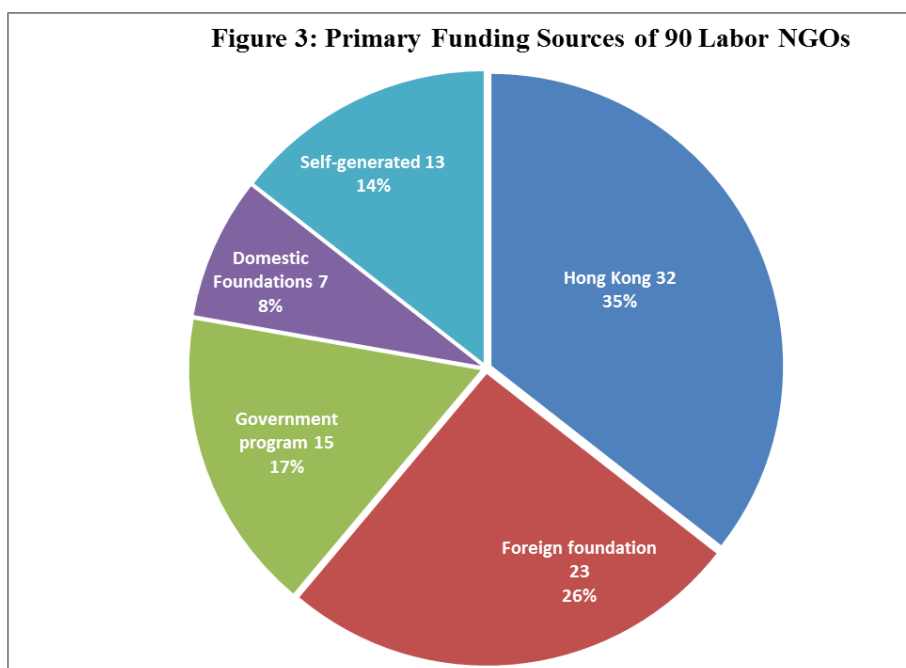
more labor NGOs (30) than any other city across China. Furthermore, several former rural migrant workers who had worked in Guangdong Province returned to their hometowns in inland provinces and set up NGOs serving other local migrants. For example, in 2002, one survivor of the infamous Zhili Toy Factory fire founded a labor NGO in her hometown, Chongqing, with the help of Oxfam's Hong Kong office. She organized annual Zhili fire memorial events to raise attention around workplace safety issues and provided labor law materials to those who were departing for migrant work.

As they seek to serve vulnerable rural migrant workers, most Chinese labor NGOs rely on funding from foreign foundations, international NGOs, foreign embassies, and global Corporate Social Responsibility (CSR) programs. There are three reasons for labor NGOs' reliance on foreign financial resources. First, it is very difficult to maintain the membership (and collect membership fees) of rural migrant workers who move frequently. Some earlier attempts to establish membership-based organizations (e.g., Zhang Zhiru's experiment with the Migrant Worker Federation in Shenzhen from 2004 to 2006) failed to generate enough membership fees to support activities. Additionally, rural migrant workers struggle to make a living in cities and have limited disposable income to donate to NGOs or to pay for the social services that the NGOs provide. Some organizations that provide legal representation to rural migrant workers have gone into debt before appealing for external support (e.g., Laowei). Second, grassroots labor NGOs are not allowed to raise money domestically. Most labor NGO founders either do not have or cannot otherwise obtain the capital required to set up a "foundation" that is allowed to fundraise (a minimum of 2 million RMB as required by Management Regulations on the Registration of Social Organizations). Third, rural migrant workers

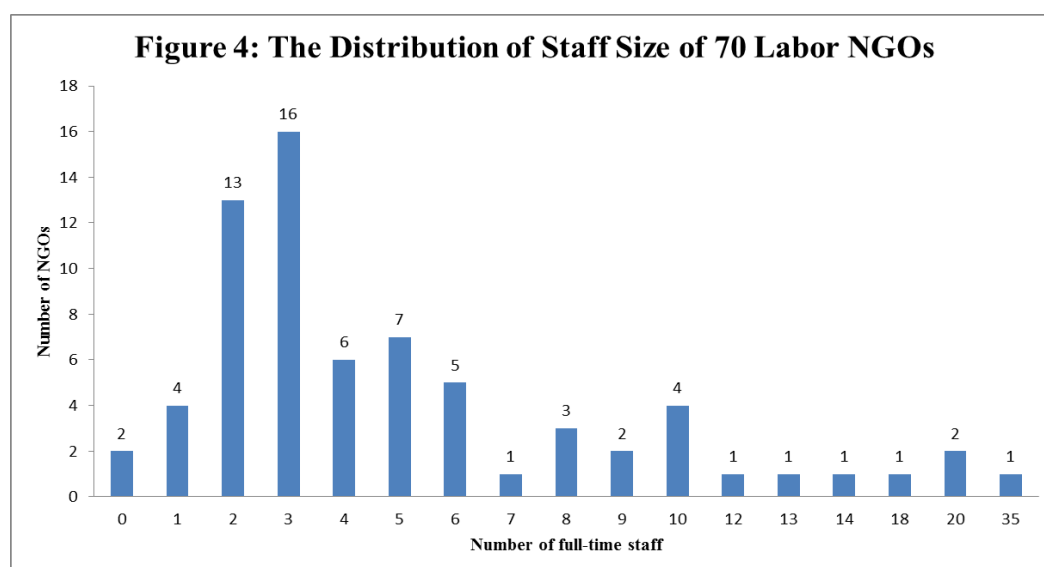
are portrayed as a vulnerable group in China; this meets the criteria of many overseas foundations that support extremely vulnerable or exploited social groups (C. Chan 2012:18). Additionally, there is an increasing number of government programs (e.g., through the ACFTU or justice departments) that subsidize or purchase social services provided for rural migrant workers, who are seen as a troubled or trouble-making group in Chinese society. In short, there are external funders willing to support NGOs in return for the services they provide to rural migrant workers. However, a few labor NGOs have survived on self-generated income; for example, by collecting donated clothes and selling them in migrant worker communities.

Regarding the composition of overseas financial support, Hong Kong labor NGOs have been critical of channeling international funding to mainland Chinese NGOs (especially those in the nearby PRD region), most of which do not have professional, English-speaking staff capable of fundraising globally. Hong Kong's civil society had remained vibrant since the sovereign handover in 1997. It is becoming mainland China's de-facto offshore civil society, serving as a supportive environment for information circulation and political organization among mainland activists and intellectuals (Hung and Ip 2012). Figure 3 illustrates the primary funding sources of 90 labor NGOs; about two-thirds of them rely on foreign sources. Hong Kong-based NGOs or foundations supported more than one-third of the mainland NGOs.

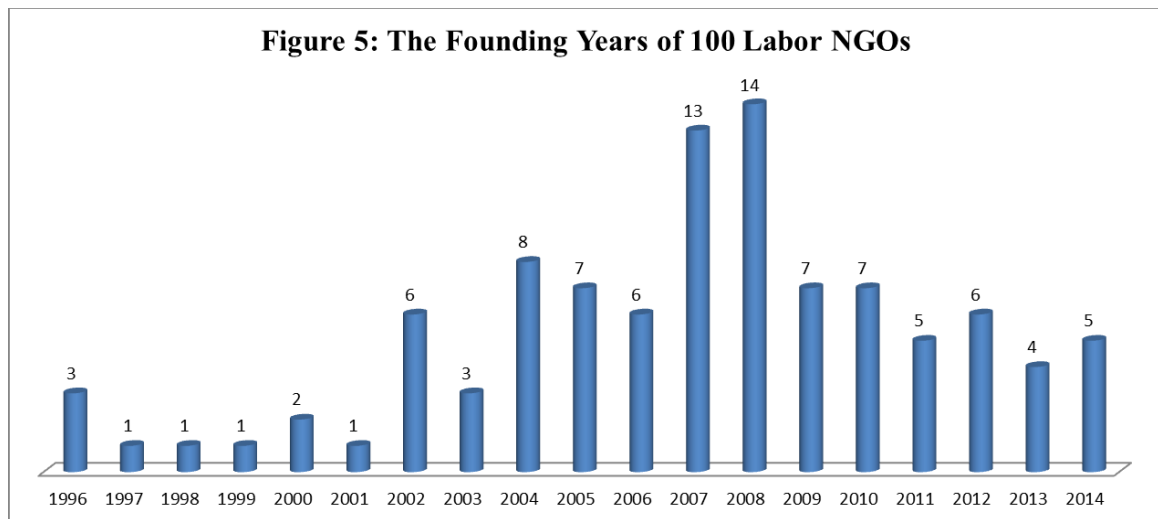
Because grassroots labor NGOs have been largely founded by former rural migrant workers and funded by foreign organizations with missions to support vulnerable Chinese rural migrant workers, this group of NGOs has generally suffered from limited organizational capabilities and limited resources.



Out of 70 labor NGOs, (see Figure 4) approximately two thirds have fewer than 5 employees (typically these are rural migrant workers, although some social work graduates have joined in recent years). The 70 labor NGOs averages 5.5 employees. Given these small staff sizes (the most common being 2 or 3 employees including the founder), it is not surprising that these NGOs lack transparent management and accounting practices (C. Chan 2012: 19; Franceschini 2014: 488).



Furthermore, given the scarce and finite international financial resources available to support Chinese rural migrant workers, Chinese labor NGOs have experienced slow growth over the past two decades. Exacerbating the lack of resources is the fact that as China has experienced robust economic growth over the past two decades and was ranked as the 2nd largest economy in the world by 2010, some international donors reduced financial aid, shifting their attention to vulnerable groups in other developing countries.²⁵ The founding rate for new labor NGOs decreased following its peak in 2007 and 2008 (see Figure 5). China's group of 100 labor NGOs is tiny compared to its 260,000 registered "social nonprofit organizations" that were providing social services by the end of June 2014.²⁶



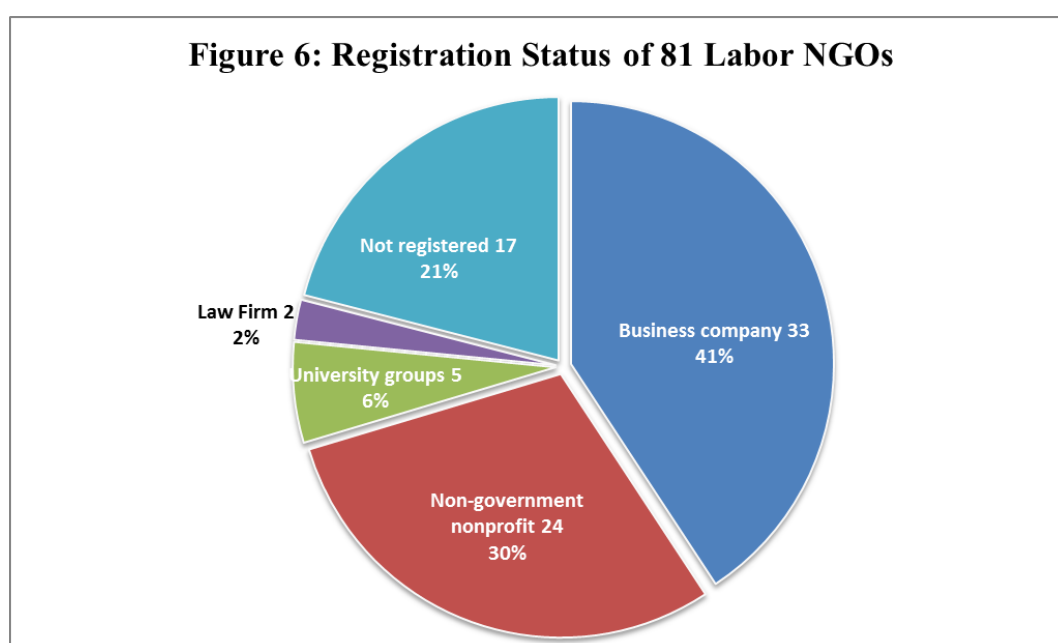
Among these 100 NGOs, 11 have closed due to the ending of their projects (e.g., “Little Bird” in Shanghai and Shenzhen, “Shenzhen Yilian Labor Protection Center,” and “New Dongguan Citizen Service Center” in Dongguan), severe government repression (“Rural Migrant Worker Mutual Help” in 2005 in Shenzhen and “Migrant Worker

²⁵ Interview with a Hong Kong NGO activist, Shenzhen, March 3, 2014.

²⁶ From *Public Interest Times*, accessed July 30, 2014:
<http://www.gongyishibao.com/html/zhengcefagui/6785.html> .

Federation” in 2006 in Shenzhen), or their transformation into other organizations (e.g., “Women Worker Service Center” in 1996 in Shenzhen, and “Hangzhou Grassroots Home,” which became “Dandelion Community Service Center” in 2014). By the end of 2014, there were approximately 90 active grassroots labor NGOs operating in China.

As their goal was to serve rural migrant workers, official registration status was not critical to the existence or activities of these labor NGOs. As shown in Figure 6, more than a dozen (21%) were not registered at all. The proportion of non-registered labor NGOs may be even larger, because those without information on their registration status are most likely not registered.

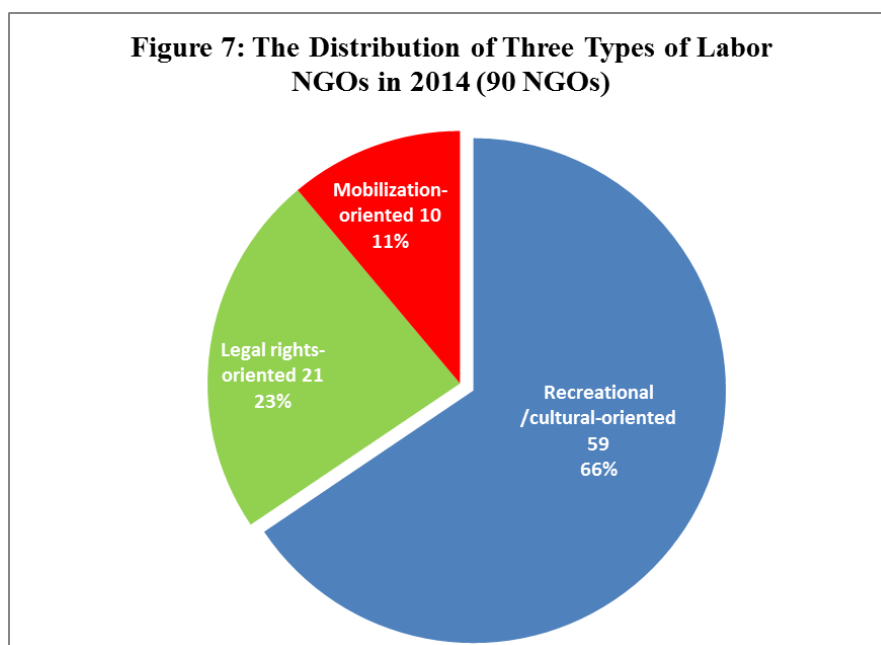


Some labor NGOs have operated without official registration for a decade (e.g., Panyu Center’s registration was canceled in 2006). Some of the non-registered NGOs have also engaged in high-profile activities, creating difficulties for local governments. Some would just move to another district if evicted from their offices, so committed were they

to their work. Because of the difficulties of registering as a non-governmental nonprofit organization, over two-fifths registered as businesses subject to tax regulations.

Chinese Labor NGO Praxis: Acting with or Acting for Rural Migrant Workers

Before Laowei and CLB's promotion of collective bargaining practice in 2011, Chinese labor NGOs concentrated on two types of activities to help rural migrant workers: entertainment/cultural activities and legal aid. Each labor NGO tends to focus on one type of these two approaches as their dominant strategy. Based on their dominant activities, labor NGOs can be divided into either recreational/cultural-oriented or legal rights-oriented. Some of these NGOs have gradually transformed into a third type of labor NGOs, which is mobilization-oriented or what I call labor movement NGO, since 2011. By the time of 2014, ten NGOs have prioritized a mobilization-oriented approach, while two-thirds of the 90 active labor NGOs focus on recreational/cultural approach. Twenty-one NGOs take legal rights-oriented approach. Figure 7 illustrates the distribution of three types of labor NGOs in 2014.



Before detailing the transition of some NGOs into mobilization-oriented strategy in the next section, I will first explain how labor NGO leaders choose their dominant strategy before the introduction of WLCB.

Generally new to labor advocacy, the founders of Chinese grassroots labor NGOs initially prioritized their activities based on their experiences as migrant workers and their expertise in labor law or other areas. Their personal experiences as rural migrant workers enhanced their understanding of the difficulties of urban life and the needs of rural migrants; this became the inspiration for their NGO work. Through personal experience, some also accumulated legal expertise, which they could then use to help their fellow migrants.

Among concerned professionals (such as lawyers and journalists) interested in working on behalf of the migrant population, most did not have successful protocols to learn from. In fact, they were organizational entrepreneurs who explored ways to help this newly emerging portion of the working class (i.e., rural migrant workers). Some of these professionals grew up in rural villages but advanced and entered the professional class through education. An example is Liu Kaiming, who was born in a rural area in Guangxi Province and obtained a doctorate degree in literature from Nanjing University. He became a journalist and founded an NGO, “Institute of Contemporary Observation” in Shenzhen in 2001. These organizational entrepreneurs have based their activities on their occupational backgrounds and interactions with rural migrant workers (e.g., concerned lawyers helping rural migrant workers by defending their labor rights).

Based on the founders’ experiences and expertise, labor NGOs have established two patterns of interaction with rural migrant workers: acting *with* them and acting *for* them.

First, most labor NGOs “act with” rural migrant workers to enrich their lives and enhance their opportunities in cities. These recreational/cultural-oriented NGOs have operated various training programs, including education about labor laws and training in practical skills such as English and computers. They have provided recreational opportunities including hiking, table tennis, and Chinese chess. In addition, art performance activities have included drama or community shows highlighting the laborers’ cultures. Other group activities may include reading, discussion groups, and outreach activities such as sending legal information to industrial parks or visiting injured workers in hospitals. These largely recreational activities address rural migrant workers’ isolated and monotonous lives inside company dormitories or crowded migrant worker communities in urban areas. Some NGOs have expanded their activities to include education for rural migrant workers’ children.

Second, some labor NGOs “act for” rural migrant workers, defending and advocating for their labor rights. Specific activities of these legal rights-oriented labor NGOs include helping rural migrant workers obtain overdue pay or legal representation, managing Corporate Social Responsibility programs such as factory auditing and employee hotlines, and researching factories and policy reports. These activities require expertise such as legal knowledge and professional skills such as the ability to write reports and interact with global brands or foundations. Specifically, individuals or institutions with legal expertise provide legal aid, including university legal clinics, NGOs founded by lawyers, and organizations run by rural migrant workers-turned-practical legal experts. Legal representation has been the primary activity of many of the rights-oriented labor NGOs that, working as citizen-agents, represent workers at labor dispute panels or in court.

However, the ban on citizen-agents in the Civil Procedure Law of 2012 heavily reduced labor NGOs' legal representation activities. Those legal rights-oriented NGOs have either hired their own lawyers (e.g., Yilian Legal Aid Center in Beijing) or collaborated with volunteer or outside lawyers when representing workers (e.g., Friends Protection Worker Service Center in Dongguan).

Labor NGOs' Rationales for Their Strategies

Several scholars have dismissed labor NGOs' recreational and cultural activities and legal aid because they appeared to fall short of building workers' solidarity and collective power. For instance, Lee and Shen (2011) criticized these labor NGOs as anti-solidarity machines. Additionally, Howell (2015:712) lamented Chinese labor NGOs' lack of cohesive strategy for social change based on structural power. However, the labor NGO founders harbor different priorities and pathways to help rural migrants than those envisioned by scholars.

The labor NGOs are actually responding, with their limited resources, to the acute needs of a population in transition. Rural migrant workers are people in limbo, straddling rural and urban life. They lack clear identities and are despised by urban residents despite the fact that they contribute enormously to the functioning of China's cities and to the country's extraordinarily rapid economic growth. The labor NGOs' recreational and cultural activities are intended to facilitate the migrants' social integration and identity formation as China's "new workers" and citizens. This contrasts with the SOE workers of the past, whose occupational status carried special political meaning and privileges. These activities also serve to dignify the migrants' work and to give them a collective voice. For instance, Ms. Luo, who founded Sunflower Center in Guangzhou in 2012,

interpreted her recreational and cultural work as an attempt to enhance workers' identity and social integration in the community:

“I was a woman worker and understand very well that they want. They desire to integrate into this society, but they feel they are inferior and dare not go out.” [Ms. Luo started migrant work in Guangdong in 2003. She was afraid of leaving her dorm due to difficulties with local dialect and roads. Within the first two years, she and her coworkers never went on the public buses because they thought the buses served only local citizens]. “Sunflower [the NGO] hopes to provide a window through which they can walk into the society... What the new generation of women workers needs most is identification, that is to affirm the value of their labor. So, we organize various community activities, counseling workshops, community volunteer programs, to help them cultivate a sense of belonging here.”²⁷

Some culture-oriented labor NGOs consider the building of worker-culture to be an important element of solidarity-building. The largest labor NGO focusing on worker culture is “Beijing Migrant Workers’ Home Cultural and Development Center,” which is located on the outskirts of Beijing. It was founded by a music teacher, Sun Heng, from Henan Province, who came to Beijing as a migrant worker in 1998. In 2002, Sun started a “Young Migrant Workers Art Troupe” (later changed to “New Workers Art Troupe”) to develop and sing songs about and for migrant workers. Its mission is to be a voice for migrant workers, to disseminate migrant workers’ songs, and to defend labor rights through art. Every year, this troupe sings songs for workers at construction sites, factories, communities, and universities across China. With the income from by the troop’s first CD, Sun founded “Same Heart Primary School” for migrants’ children in 2005. To benefit migrant workers as well as to support his NGO’s survival, in 2006 Sun started a social enterprise, “United Heart Shop,” to collect donations and sell them in migrant

²⁷ Quotes from a news report: Zhu Fengjun and Xin Xiaowen, “Qianhe, a small but strong foundation that immerses in communities,” China Wealth, December 7, 2012. <http://zgcf.oeeee.com/html/201212/07/7418.html>.

worker communities at low prices. This method of generating income has been promoted among several labor NGOs across China. In 2008, Sun founded a “Culture and Art Museum of Migrant Workers” to record and display the history of migrant workers and highlight the value of their labor. In 2009, Sun’s team founded a “Worker College” to provide rural migrant workers with a free, half-year education in vocational training, worker culture, civil rights, and several other topics. Since 2012, Sun has organized the “Migrant Workers’ Spring Festival Gala Evening,” involving famous CCTV host Cui Yongyuan, to showcase rural migrant workers’ art and values. Sun has more than 20 full-time staff who live and eat together as a community. They explore mechanisms through which workers can express themselves and experiment with ways to galvanize indigenous resources for labor NGOs. They try to develop migrant workers’ culture and society’s respect for this crucial but marginalized segment of China’s population. For the Sun, worker culture is crucial to the cultivation of solidarity:

“I suggest fellow labor NGOs ... explore ways to establish a foothold in worker communities and center on workers’ real needs, and find new ways of self-help and solidarity. For example...schools for migrants’ children, workers’ apartment cooperatives, workers’ markets cooperatives. Workers’ solidarity is not only developed from labor-capital struggles. In the long run, it is more important that workers have our own lifestyle, culture, and values and that workers establish workers’ self-governed communities and cooperative, mutual help living communes.”²⁸

Not all recreation- and culture-oriented labor NGOs have such a clear vision of class identity formation or solidarity building. However, their leaders have developed strategies to improve rural migrant workers’ lives based on their own personal experiences as migrants. Admittedly, they may not always find solutions through this

²⁸ The key founder’s sharing in labor NGO wechat group, October 30, 2014.

process of reflection. For instance, Mr. Chen, the founder of “Little Chen Hotline,” believes, based on his life experience, that “knowledge can change fate.” He migrated to Qingdao city after graduating from high school in 1994. Conflicts with his supervisor prompted him to study law as a means of defending his own interests. He started studying independently in 1996 and went on to law school at Shangdong University, where he obtained a vocational law degree in 1999. With a legal background and the help of the local government, Chen established a hotline to provide free legal counseling to migrant workers in 2000. The hotline was a success, and he was featured in numerous mainstream media in China, including the top Party outlet, *People’s Daily*. He has held several political posts and honors and became a member of the local People’s Political Consultative Committee. In 2006, he founded another NGO, “New Citizen Library,” to provide books for migrant workers as well as to disseminate legal materials.

For Chen, reading and knowledge have improved his life, and he promotes similar strategies among his fellow rural migrant workers. Some scholars (e.g., Cheng et al. 2010; Lee and Shen 2011) regard Chen as an example of the state’s successful cooptation. Nonetheless, his strategy is understandable in light of his personal experiences. Although Chen has been supported by the CLB, an NGO that promotes collective bargaining, this overseas financial assistance has not significantly changed his approach over the past five years.

In conclusion, activists who have started NGOs based on their own work experiences have not yet reached consensus on the best ways of improving life for China’s rural migrant workers, a new social group with a history of only three decades. They experiment with what they perceive to be viable strategies for addressing the crucial

problems facing rural migrant workers. As diverse factors lead to rural migrant workers' vulnerabilities, labor NGOs have varied definitions of workers' critical problems and have different ideas about what strategies are viable. Some focus on rural migrant workers' urgent needs, such as identity formation and injuries, which require immediate action.

The absence of consensus regarding strategies for action can also be seen among the legal rights-oriented labor NGOs that act on behalf of rural migrant workers. Some lawyers, law professors, journalists, and experienced rural migrant workers respond to the needs of migrant workers (e.g., work injuries and endemic violation of labor rights) by providing legal aid or exposing violations. These legal rights-oriented labor NGOs have been described as participating in the state's "rule-by-law" project, individualizing labor conflicts because of political and economic constraints (e.g., Friedman and Lee 2010; Lee and Shen 2011).

However, labor NGO founders have different interpretations of their work. Several founders of labor NGOs that provide legal aid to injured workers have personal experience with work injuries and with the challenges of seeking justice. For example, Huang Leping, a corporate legal consultant from a rural background, was injured in 2003 and went on to found "Beijing Yilian Labor Legal Aid Center" in 2007. Considering work injuries to be a serious social problem, he poured his energy into helping injured rural migrant workers. He produced 36 books on work-injury legal practices and hundreds of legislation recommendations in fewer than ten years.²⁹

²⁹ A list of the books and relevant legislation recommendations made by Yilian: <http://www.yilianlabor.cn/women/chengguo.html> .

Some labor NGO founders have realized that structural factors (e.g., the exclusory *Hukou* system) make rural migrant workers especially vulnerable. But they have started to address these structural problems by taking small steps; their resources are limited as is their capacity to counter such systemic social problems. One example is Liu Kaiming, who founded the Institute of Contemporary Observation in 2001. In the late 1990s, working as a journalist with a Ph.D. in literature, Liu was shocked by the miseries of injured rural migrant workers he encountered during his visits to Zhou Litai, a lawyer helping these workers. For Liu, exposing these problems to the public was an important step toward solving them. He has published several books analyzing the structural problems contributing to rural migrant workers' suffering, including *Marginalized People: A research report on migrant workers in Shenzhen* (2003), *The Price of One's Body: A study of work injury compensation in China* (2004), and *The Structural Origin of Lost entitlements: The study of one collective labor dispute* (2005). As is true of many concerned professionals, Liu identified the *Hukou* system, discriminatory policies, and dysfunctional unions as the root causes of rural migrant workers' problems. He has discussed the need to reform these systems during public interviews.

Nonetheless, the solutions to these complicated social problems go beyond the reach of particular NGOs. Liu's organization starts from worker education and legal aid. He also carries out factory audit and employee training programs for multinational corporations and collaborates with various CSR associations. While Lee and Shen (2011) characterized Liu's organization as commercialized, Liu considers income from the CSR programs important to guaranteeing the independence of his organization from the international foundations he considers too demanding. He argues that CSR revenue

subsidizes his worker education and legal aid projects. During my interaction with Liu, he showed a clear vision of his role as a facilitator (rather than the protagonist) of social change. “I position myself clearly. As a gentleman of scholarly bearing, I am not the kind of person who can rally various social forces and lead them. I can only try my best to cultivate a social atmosphere for movement and social change. We are not the protagonist; the workers are.”³⁰

Some labor NGOs have wanted to promote worker organizing but have lacked a viable strategy; instead, they have focused on legal counseling and representation. Examples include the “Spring Wind Center” in Shenzhen and the “Olewolff Workers Assistance Center” in Qingdao city of Shandong Province.

The founder of Spring Wind Center, Zhang Zhiru, became class conscious after observing the mistreatment of rural migrant workers in the 1990s. He attempted to establish an enterprise union in 1995 but was fired soon after. He founded a “Migrant Worker Federation at Shenzhen City” in 2004, but in 2006, it was repressed by the local government during two mass signature campaigns to abolish China’s official labor arbitration fee. In the absence of a viable mobilizing strategy that circumvents institutional red-lines (i.e., the claim of independent worker organization), he had to confine his activities to legal counseling and representation, before the emergence of a WLCB repertoire.

For Zhang Jun, the founder of the Olewolff Center, legal counseling and representation served as a method of raising workers’ consciousness. Zhang Jun, who worked in an SOE in the 1980s and developed strong class consciousness, helped a group of female workers from the Olewolff factory successfully strike for a workplace union in

³⁰ Interview, Shenzhen, March 26, 2014.

2006. He then served as the legal consultant for this worker-led union before the plant's relocation. With support from a trade union in Denmark, Zhang Jun founded the Olewolff Workers' Assistance Center in 2009. Although establishing worker-controlled workplace unions remains Zhang Jun's vision and passion, he must start by disseminating legal information and providing legal aid. This allows him to connect to workers and to raise their awareness of the ways in which they are being denied their rights, given the limited class consciousness among the workers in the region.

Evaluating Labor NGOs' Early Individualized Approaches

Although labor NGOs' earlier practices did not forge solidarity among workers or facilitate collective action in the short term, their activities have provided valuable experiential learning for this emerging community. This early experimentation paved the way for the emergence and adoption of viable strategies to mobilize workers in the early 2010s. Experiential learning can be seen in particular labor NGOs, while social learning occurred among the labor NGOs and between labor NGOs and rural migrant workers.

First, through their years of experimentation, individual labor NGOs have learned whether their services have helped rural migrant workers, and about the heavy costs associated with their strategies in terms of time and legal knowledge of the official labor disputes resolution system. They have also learned about the viability of particular strategies, such as attempts to create membership-based plans, worker federations, or worker-controlled workplace unions.

Second, the labor NGOs have formed networks of communication. Partly because of the limited number of labor NGOs that have emerged since 1996, many labor NGOs have come to know each other quite well. Two mechanisms contributed to this network

formation. One was NGO-spin offs, i.e., experienced NGO founders helping injured rural migrant workers or activists and mentoring them to establish their own NGOs. One such labor NGO-incubator in Southern China was Zeng Feiyang of Panyu Center, which has facilitated the establishment of more than a dozen additional labor NGOs in PRD, including “Zhongshan Center” “Goose Flying South Worker Social Work Service Center,” and Sunflower WWC. Zeng has maintained close communication with these organizations.

Another important network formation mechanism has been the system of workshops organized by labor NGOs, funders, and scholars. Because of the small number of labor NGO attendees, they became acquainted with each other after a few workshops, forming a community. A prominent organizer of labor NGO gatherings was Sun Heng, the founder of “Beijing Migrant Workers’ Home.” Since 2009, more than a dozen labor NGOs have attended Sun’s “Worker College,” a half-year boarding school. Sun and the attendees had intense interactions during this full-time training. Many labor NGOs and workers also participated in Sun’s “Worker Culture and Art Festival” in Beijing. Through these events, Sun has established close collaborations with dozens of labor NGOs across China. Employees of active labor NGOs have also visited each other to learn from one another’s work.

In addition to face-to-face communications, Sun and another experienced labor NGO founder, Wei Wei (founder of “Little Bird”) have also operated Wechat (an instant communication software) groups for labor NGOs across China. Through this offline interaction and online communication, the labor NGOs have shared their experiences and learned from each other’s projects. This social learning means that each NGO does not

need to try each approach in order to understand potential outcomes and constraints. This communication and learning have also enhanced their sense of identity as grassroots labor NGOs.

Third, through their over ten years of work, labor NGOs have built their legitimacy among workers, although the portion of workers directly involved in labor NGOs cases has been tiny portion compared to the large Chinese workforce. The labor NGO as an organizational form has been accepted by a large number of rural migrant workers and other social groups. Although many labor NGOs encountered mistrust in their early days, when they were perceived as engaging in pyramid schemes or deception of workers, or were hampered by skepticism of their altruism, most of them have established trust among workers in particular communities. They have also maintained teams of rural migrant worker –volunteers, who serve as their contacts in factories. The labor NGOs' recreational and legal aid programs have reached hundreds of thousands of workers, many of whom passed the news by word of mouth. In turn, some rural migrant workers have sought help from labor NGOs based on word of mouth or information available online. Interactions between labor NGOs and rural migrant workers have facilitated mutual learning and change. As discussed below, some labor NGOs were prompted to get involved in workers' collective action after being approached by groups of workers seeking help.

Contradictions and Progress in Labor NGO Transformations to Empower Workers

Early experiments prompted some labor NGOs to find alternative, viable strategies to motivate workers and empower worker collectives. For Chinese labor NGOs, a viable

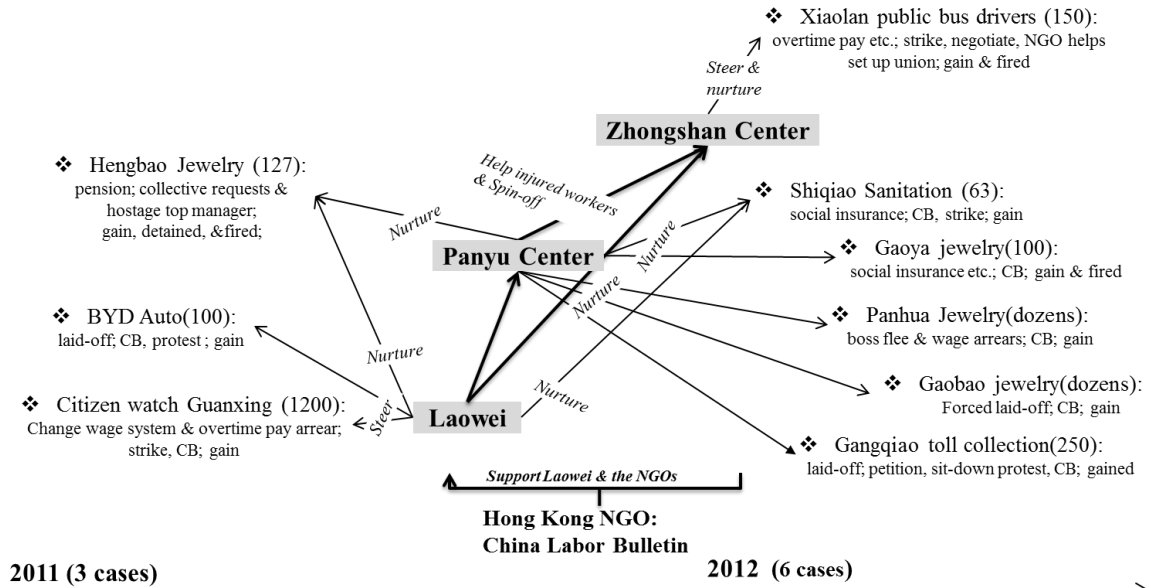
strategy typically has two elements. One is the survival of the strategy *per se*; that is, circumventing outright government repression. Some strategies are forbidden, such as independent unions and other approaches seen as threatening to the regime. The other element is potential financial support for a particular strategy to ensure organizational survival. Very few of the overseas funders of Chinese mainland labor NGOs have risked supporting projects whose aim was to facilitate worker collective action.

Worker-led Collective Bargaining Emerged as a Viable Strategy

In 2011, Laowei and CLB together experimented with an action strategy that was technically and financially viable, i.e., WLCB. After several years of providing legal representation for individual workers, it was apparent that this work produced limited results – modest gains for workers and high costs for both workers and lawyers. Furthermore it appeared that strikes were more effective in gaining pay raises and other victories for workers. These contradictions propelled Laowei to devise mechanisms for consolidating and legitimatizing workers' collective action. His successful initial cases demonstrated the technical viability of WLCB; it succeeded in helping hundreds of employees from BYD and Guanxing factory to achieve their demands through collective bargaining without inciting government repression. With financial and technical support from CLB, collective bargaining proved to be a viable strategy for worker mobilization in China. Another reason for Laowei's optimism about WLCB was that mobilized workers would be in a better position to support labor NGOs financially. Workers typically contribute to an "action fund" to sustain their collective action and often donate what remains of this fund to the external organizations that helped them succeed. Workers might also donate a small portion of the money they obtained through collective action to

labor NGOs after their action was completed. For instance, the one thousand workers from Guanxing factory collectively donated 100 thousand RMB to Laowei after gaining their overtime pay for the previous five years. Empowered by WLCB, workers were more likely to secure economic gains and thus more willing and able to support labor NGOs.

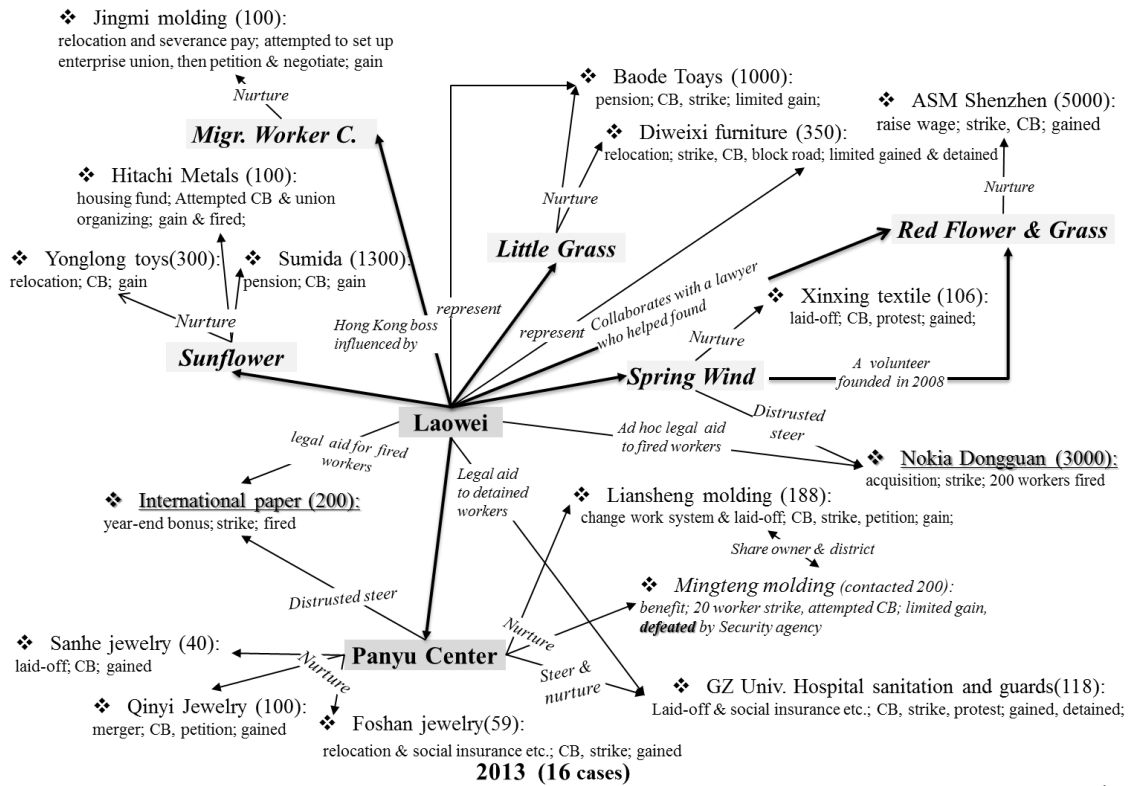
Laowei and CLB actively promoted this new strategy—WLCB among labor NGOs. This strategy also spread through the labor NGO communication networks and through discussions and reports on the internet. Since it was a new and potentially volatile strategy that required coaching for the labor NGOs wishing to practice it, trust and geographical proximity played a key role in shaping its pattern of adoption. Labor NGOs in the Pearl River Delta, which were close to Hong Kong and familiar with Laowei, were among first to put the new strategy into practice. Figure 8 below (three parts) depicts the gradual process through which some labor NGOs transformed themselves into promoters of WLCB; it also lists the 42 collective cases they have handled from 2011 to 2014 in PRD (see appendix B for detailed information on the cases). The case information is derived from my fieldwork and a paper (listing 30 NGO-facilitated cases) by the director of Laowei and an activist scholar working for CLB (Duan and Li 2014). I chose not to hide the names of the labor movement NGOs or the factory names because most were reported widely in microblogs (Chinese Weibo) or other internet outlets. The listed cases under-represents labor NGO-assisted collective action and over-represents reported cases and the work of the NGOs supported by CLB. I excluded a few WLCB cases outside the PRD to focus on the main pattern of the adoption process. The figure is intended to show the gradual process of change and experiential learning among labor NGOs.

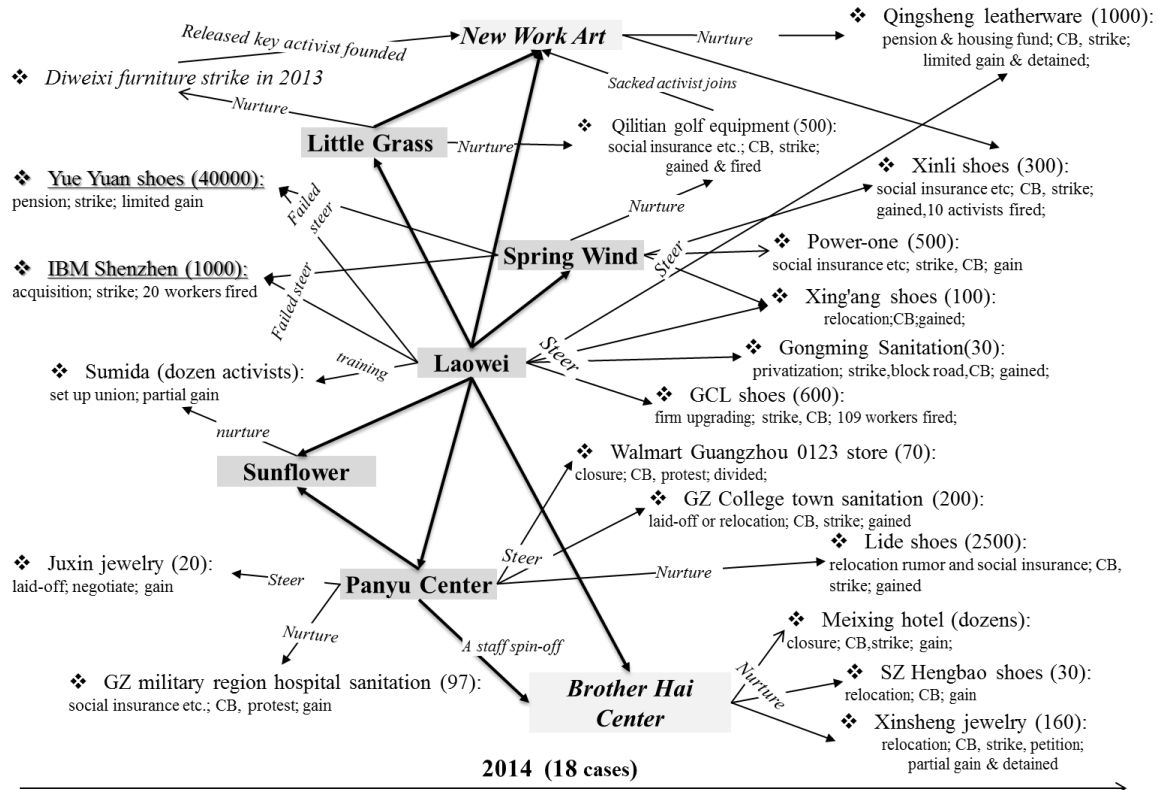
Figure 8: Labor Movement NGOs and Related Collective Protests in PRD (2011-14)

Note: Names in the black boxes indicate labor NGOs; ❖ indicates factory name, followed by # of workers involved, main grievances, action tactics, and outcomes.

→ indicate relationships between labor NGO and workers: “nurture” is NGO nurturing solidarity among workers; steer means NGO steering transient solidarity.

→ indicates supportive relationship between labor NGOs.





Contradictions and the First Adopter of Worker-led Collective Bargaining

Labor NGOs adopted the strategy of WLCB in response to a variety of contradictions. As the grassroots labor NGO community consists of a variety of elements (labor NGOs, workers, funders, relevant government departments, and various action strategies) any of these elements may conflict with each other, thus propelling the labor NGOs to adjust their strategies. Specifically, contradictions may result from ruptures between strategies and genuine goals, conflicts between existing strategies and alternative strategies, discrepancies between an existing approach and the funder's new approach, unexpected government repression of an NGO with a conservative strategy, and, finally, differences between what labor NGOs can offer and what workers demand. The introduction of a new strategy, in this case, WLCB, accelerated some labor NGOs' reflections on the

contradictions in their own work. In resolving these newly identified contradictions, some labor NGOs chose to adjust their strategies.

The first labor NGO that transformed itself to become involved in worker collective action (Panyu Center) participated in CLB's collective bargaining project because it had depleted its financial resources in 2011. However, many other labor NGOs came to WLCB after earlier approaches failed to gain systematic improvements for workers. In short, through their experiences, these NGOs realized that their previous strategies had failed to achieve their cardinal goal of helping rural migrant workers. This failure to effect social change, interwoven with the desire to address the root causes of workers' problems, propelled some NGO staff to ponder alternatives. This made them receptive to WLCB as a way of empowering workers to protect their labor rights from employers. A staff member of Panyu Center, who became a key practitioner of WLCB, described his transformation process:

"I had not heard about collective bargaining before meeting Lawyer Duan [in 2011]. However, ever since 2008 or 2006 when I was on the board of this organization, we focused on legal aid to individual injured workers and I felt that so many years' help to individual injured victims did not seem to change anything. *Rather we met more and more of them.* I do not mean that individual injured workers were not worthy of sympathy; they deserve sympathy and assistance. It is that our approach had not reduced work injury... So, I was wondering why not raise workers' capabilities and rights-defense consciousness *before* they encounter work injury? Why not try to constrain employers' manipulation of employees to avoid and reduce work injury? At that time, I had vague ideas that workers' consciousness needed to be raised, that workers needed solidarity, that workers could achieve their demands through concerted action, and that they should give up illusion with the legal channels. Why did so many employers and government officials ask workers to go through the legal channels? It is their trick and a trap for workers. Later I learned about collective bargaining and I had already realized the need for it. That is why collective bargaining cases were easy for me over the past two years."³¹

³¹ Interview, CHH, Guangzhou, December 7, 2013.

After making the decision to try a new approach, Panyu Center's transformation process started with experiential learning, i.e., learning WLCB through coordinating actual cases with the support of Laowei and CLB. Panyu Center explored its first case by helping workers from Hengbao Jewelry Factory to win pension contribution arrears in July 2011.³² As a novice, Panyu Center was coached by Laowei and CLB, which provided training for NGO staff as well as workers. It was the first exploratory case for these three organizations trying to mobilize workers to win long-term pension contribution arrears³³ and several other entitlements. Previously, Panyu Center's legal aid to individual rural migrant workers had addressed violations of entitlements guaranteed by law.

The NGO's new approach excited the workers. One worker wrote "This news is so amazing! We are also entitled to enjoy annual paid leave and the high-temperature allowance that we have never heard of."³⁴ Panyu Center mobilized 38 workers after two weeks of intensive discussion with worker-activists. In July 2011, the NGO advised the workers to submit letters to management, collectively requesting pension contribution arrears (rather than demanding collective bargaining as in later cases). As mobilization continued, more than 100 workers joined the initiative. Panyu Center advised the workers to select representatives to coordinate their action. Interestingly, Panyu Center's recreational team-building activities, which accompanied the mobilization sessions, were cited by some worker-activists as a reason for their withdrawal from the sessions. Some workers deemed the activities boring and failed to appreciate their practical effects; they

³² A description of this case can be found online (in Chinese): <http://www.dgzngo.cn/?p=792>.

³³ Chinese labor regulations support retrieving social insurance contribution only over the previous two years.

³⁴ Panyu Center case follow up, May 8, 2011, Guangzhou.

wanted to “cut to the chase” and cherished the limited free time they could secure by skipping overtime work or asking for a leave from their managers.³⁵ During this process, Panyu Center staff frequently asked the workers for feedback and suggestions for ways to improve their practices.

This first exploratory case took eight months to obtain concessions from management. However, before the changes were implemented, two worker representatives were detained during a conflict with management in April 2012. The workers were in a panic, and many stayed silent. It was the first time that Laowei and Panyu Center had to address criminal charges against and detention of worker representatives. The arrests threatened the viability of WLCB; they sent warning signals regarding potential danger to worker representatives who coordinated collective action. Attempting to mobilize all resources to rescue the detained representatives, Duan asked for help from Mr. Chen Weiguang, then the chairman of Guangzhou City FTU, who promised support and ensured the release of the detainees. With Chen’s support, Duan was able to assure the workers and the worker representatives’ families that the arrested pair would be released unharmed. This boosted workers’ morale. The case ended with the release of the worker representatives and with management making contributions to the workers’ pension programs. The workers sent thank-you flags to Laowei, Panyu Center, and the City FTU. The successful case was reported by local TV, from which many workers in the city learned about the possibility of obtaining long-term pension contribution arrears. Many of them later sought help from Panyu Center.

Contradictions and Successive Adopters of Worker-led Collective Bargaining

³⁵ Panyu WSC training memo, September 8, 2011, Guangzhou.

The subsequent success of the Hengbao case further confirmed the viability of WLCB as a method of empowering worker collectives to realize not only their entitlements but also to gain other benefits beyond those mandated by law. This successful, labor NGO-facilitated WLCB case inspired several other labor NGOs to engage in WLCB in late 2012. It also provided them with practical experience in mobilizing workers for collective bargaining, because these new adopters (Sunflower Center and Zhongshan Center, which Zeng Feiyang helped establish) collaborated closely with Panyu Center. The founders of both Zhongshan Center and Sunflower Center had previously been injured at work and went through lengthy legal processes to obtain compensation with the help of Zeng Feiyang. Their experiences convinced them of the heavy costs of the official dispute resolution system, and they accepted WLCB as a mechanism for quickly resolving grievances. For example, the head of Sunflower was badly injured (she lost the five fingers of her left hand) in 2008 and she only obtained compensation after a three-year struggle. In March 2012, she founded Sunflower to organize recreational activities and to promote women migrant workers' social integration. After Sunflower had established legitimacy in the community through recreational activities, more and more workers came to the center with labor disputes. Responding to workers' demands and supported by Panyu Center and CLB, Sunflower adopted WLCB to help workers solve their conflicts more efficiently in late 2012.

The Guangdong government's repression of conservative labor NGOs further motivated some labor NGOs to adopt WLCB. In early 2012, the Guangdong government increased its repression of grassroots labor NGOs through unexpected inspections and evictions. From July to September 2012, more than a dozen labor NGOs in Shenzhen had

to move frequently from district to district. This new wave of repression reminded them of their precarious status. “Little Grass” and “Migrant Worker Center” in Shenzhen started to practice WLCB in 2013. Below are staff members’ reflections on the process of change. They adopted WLCB to resolve two contradictions: first, the fact that their previous strategy of providing recreational programs and legal aid had not produced substantial results for workers, and second, the fact that despite the focus of their strategy on helping individual workers, the government was responding by repressing collective institutions.

An NGO staff member shares:

“When the individualized approach could not solve [workers’] problems, we think we need to try other ways. After we believe this [WLCB] is our direction, we stick to it... We confront various risks, and we gradually arrive at this approach when constantly making choices.”

Her colleague adds:

“Staff here experienced tension. That is staff here has been doing the same things for more than 6 or 8 years, some even for more than ten years. Before I joined them, many of them were thinking about leaving. [They pondered] why continue doing the same things without any effects? This tension propels people to change. One either leaves the organization or changes within the organization. A human cannot repeat something with uncertain meaning like a robot. So, when government officials frequently expelled us from our previous offices, the officials hastened the staff members’ choice, namely since there is no retreat, they try this collective approach.”³⁶

While “Little Grass” learned to practice WLCB by collaborating with Laowei, which provided training to mobilized workers, and represented workers in negotiations with management, “Migrant Worker Center” experimented with WLCB on its own. “Migrant Worker Center” started to explore a more collective approach after being consulted by groups of workers confronting factory closure. The center was pushed by workers’

³⁶ Interview, SY & LZ, Shenzhen, April 15, 2014.

collective demands and its funder's support, which was influenced by Lawyer Duan.

When asked "why did you change?" staff from the organization explained:

"After repression and being expelled from our prior physical base...after the Chinese new year (Feb. 2013), we found lots of local factories were closing or relocating. A few dozen workers and sometimes one or two hundred of them asked us the same question about their wages and severance pay. Upon hearing this information, we followed up but we lacked skills. [We] crossed the river by touching the stone. Dozens of workers from the same factory came [to our center] together...Since they encountered the same problem, and many workers could not afford the official steps, we explored the idea of solving the problem together through negotiation with the boss."³⁷

Her colleague adds:

"[O]ur funder in Hong Kong was influenced by Lawyer Duan's persuasion and instructed us to pay attention to collective cases in 2012. Given the workers' collective demands and our funder's supportive intention, we gradually got involved in collective cases."³⁸

Another labor NGO that practiced WLCB relatively independently, without direct support from Laowei or CLB, was "Red Flower & Grass" in Shenzhen. The founder of "Red Flower & Grass" was born in the 1970s in Guangxi Province and grew up in a family of SOE employees. Based on his family's experience, he was motivated by the declining situation of working Chinese after the State adopted its economic reform policies. He wanted to do something to improve workers' structural power. He spent half a year volunteering in Spring Wind Center in 2007 and in 2008 founded his own NGO to provide legal aid to individuals as well as workers involved in collective labor disputes. The head of "Red Flower & Grass" used to keep a low profile, rarely attending labor NGOs meetings and seldom revealing his work online. Nonetheless, in 2013, he reported

³⁷ Interview, CBL, Shenzhen, December 5, 2014.

³⁸ Interview, HJJ, Shenzhen December 7, 2014.

on his organization's website about one case in which he successfully helped 5000 workers coordinate a strike and engage in collective bargaining.³⁹ The workers obtained a twenty percent wage raise and severance pay for those who left the company. He also advised the workers to make banners requesting "collective bargaining," indicating his adoption of collective bargaining tactics. The spread of and discourse about WLCB sharpened and legitimized his approach.

Similarly, two other labor NGOs that had previously explored the collective approach by establishing workplace unions or by forming worker federations, "Spring Wind Center" and "Olewolff Center," also started to practice WLCB as a method of coordinating worker collective action. "Spring Wind Center" successfully helped more than 100 workers from Xinxing Textile factory coordinate a month-long collective protest against layoffs in disguise in August 2013⁴⁰, after a few brief trials beginning in 2012. "Olewolff Center" coached 170 Walmart employees in Harbin City in Northeast China to elect their representatives, coordinate a three-week protest, and bargain with management regarding a store closure package in August 2012⁴¹.

While earlier adopters had replaced their previous strategies with WLCB, two new labor NGOs were founded in 2014 by former practitioners with the specific goal of promoting WLCB. A staff member who had worked at Panyu Center founded "Brother Hai Worker Service Center" (thereafter Brother Hai Center) in Guangzhou to focus on promoting WLCB, with support from Laowei and CLB. Another new NGO, "New Work

³⁹ A description of this case can be found online (in Chinese): <http://www.redchinacn.org/portal.php?mod=view&aid=13888> .

⁴⁰ A description of this case can be found online (in Chinese): http://blog.sina.com.cn/s/blog_6c66ad600101e0t7.html .

⁴¹ A description of this case can be found online (in Chinese): http://blog.sina.com.cn/s/blog_b35b98f801018k2o.html .

Art,” was founded by a former worker representative, Wu Guijun, who had been detained for one year because of his role as the chief worker representative during a 2-week, 400-worker strike and collective bargaining process prompted by a potential factory relocation.⁴² Mr. Wu, a rural migrant worker from Hunan Province, was injured, and subsequently helped by “Little Grass” in 2006. He joined the volunteer team of “Little Grass” in 2011. During his detainment, Lawyer Duan and another human rights lawyer represented him, helping him to obtain more than 74 thousand RMB in compensation from the government after he was found not guilty.

The first worker collective action facilitated by Mr. Wu, after founding his new mobilization-oriented NGO, shows his capability to sustain mobilization and engage international labor advocacy network. In October 2014, Mr. Wu was contacted by about twenty workers from Qingsheng (or Artigas) who were concerned with impending factory relocation. Mr. Wu helped the workers aggregated three core demands (severance pay and retrospective contribution to housing fund and social insurance) and sent a letter to the employer requesting collective bargaining in November. The employer’s ignorance of workers’ demands and attempts to find out and punish worker representatives infuriated the workers who launched an 8-day strike involving about 1000 workers in mid-December. Although the arrest of 24 workers on the eighth day of the strike ended this episode of vigorous conflict, the protest of Qingsheng workers resumed in June 2015, when about 600 hundred workers went on strike again to protest against the dismissal of a core worker protest leader. Assisted by Mr. Wu’s organization, these workers forced the employer to the bargaining table in July and protested for about 50 days to obtain the

⁴² A description of this case can be found online (in Chinese): <http://www.jtjp.cn/a/report/review/2015/0623/6974.html> .

three core demands. The facilitative labor NGOs also engaged overseas unions and labor organizations to organize a “Global Solidarity Action to Support Artigas Workers”, organizing solidarity protests in the U.S. , Japan, and Hong Kong to pressure Qingsheng’s Brand Buyer, namely Uniqlo . In spite of Uniqlo’s promise to investigate the dispute at Qingseng, the pressure from global labor solidarity secured only symbolic compensation for the Qingsheng workers, ranging from ten to twenty thousand RMB for each of the departing workers, which fell short of the legal standards for severance pay and housing fund contribution arrears.

By the end of 2014, there were 10⁴³ mainland labor NGOs practicing WLCB.⁴⁴ Nine were located in Guangdong Province with one in Yantai City of Shandong Province. Four NGOs, “Circle Point” in Shenzhen, “Little Chen Hotline” in Qingdao, “Beijing On Action,” and “Dongjen Center for Human Rights Education” in Beijing, have offered collective bargaining training programs but have not yet practiced WLCB. Eight of the NGOs practicing WLCB are supported by financial resources from Hong Kong while the other two are backed by foreign funds or self-generated income. The movement-oriented NGOs tend to be relatively small, with, on average, three staff (compared to 5.5 staff, the average across 70 NGOs).

Regarding the founders’ backgrounds, both NGOs founded by former urban workers practice WLCB. Five were founded by former rural migrant workers who have experience with work-injury. Two were founded by lawyers (22% of the nine lawyers-turned-NGO activists). Another two were founded by former rural migrant workers with

⁴³ They are: Laowei, Panyu Center, Sunflower Center, Spring Wind Center, Little Grass, Migrant Worker Center, Red Flower & Grass, Brother Hai Center, New Work Art, and Olewolff Center.

⁴⁴ Foshan Center staff merged with Panyu Center in late 2013 after the former’s director left the organization as a result of months’ of constant eviction and government officials’ pressure on his relatives and girlfriend

rights-defense experiences (e.g., unjust dismissal litigation). None of the NGOs founded by scholars or journalists has shifted to the practice of WLCB. It seems that those who have had bitter experiences in the official labor disputes resolution system (lawyers or rural migrant workers with work injuries or other labor disputes) or with former SOE experience are more likely to practice WLCB than are the others. Lived experience with various conflicts has spurred some to use WLCB as a method of coordinating worker collective action. They hope to address the root causes of systemic rights violations.

Other NGOs have not yet adopted the strategy of WLCB for various reasons. Some perceive their own strategies to be consistent with their objectives or personal values. Some focus on raising class-consciousness rather than coordinating small-scale cellular protests. For example, Lake Community School focuses on worker consciousness-raising discussion groups. Some NGOs continue to regard WLCB as too politically volatile and thus not a viable strategy in the long term.

Labor Movement NGOs Empowering Workers

Labor Movement NGOs' Nurturing or Steering Approaches

Those labor NGOs that have WLCB took two different approaches to empowering workers—nurturing solidarity or steering transient solidarity. In the nurturing approach, the labor movement NGOs establish trust relationships with a few worker-activists, help workers frame their claims, help them initiate collective action, and assist them in planning contention tactics. In the steering transient solidarity approach, the labor movement NGOs mainly assist the workers in framing their claims and planning contention tactics after the workers have already begun planning or taking collective

action. In other words, in the nurturing approach, the labor movement NGOs involve themselves deeply in workers' collective action and help the workers initiate collective contention from scratch. In the steering approach, the NGOs involve themselves in workers' collective action at a much later stage. These two approaches facilitate workers' collective action in different ways. While the nurturing approach promotes leadership development and tactic planning among workers, the steering approach mainly involves *advising* workers on contention tactics. Both approaches aim to enhance the power of workers' collective action by helping them coordinate and sustain their actions, and by increasing their power vis-à-vis their employers.

In both approaches, the labor movement NGOs may proactively contact workers or they may be approached by workers. Some may contact striking or protesting workers upon finding information in newspapers, social media, or social networks. They may also connect with workers through their outreach programs in industrial parks. On the other hand, some workers who have encountered problems may approach labor movement NGOs based on online information or word of mouth.

The ways in which labor movement NGOs interpret and evaluate different approaches to workers' collective action influences the particular approach that they actually take. Those labor movement NGOs that prioritize the steering approach tend to conceive of transient collective protests as a means of spreading worker knowledge about the strategy of collective action. In many cases, the workers involved in a WLCB initiative subsequently leave the firm and spread the protest tactics wherever they go. For instance, when a Panyu Center staff member described the departure of 96 workers from Luenshing molding factory after the workers had achieved their demands in October

2013, he said “[M]any of them find jobs in a nearby city. The 96 workers going out from this case are 96 seeds spreading across regions. They can be disseminators of collective bargaining and mobilizers or the contact persons in their new factories.”⁴⁵ The Center has been involved in more than a dozen cases in which workers sought help based on word of mouth. While Panyu Center combines the steering approach with the nurturing approach, Spring Wind Center and Laowei take mainly the steering approach.

Those labor movement NGOs that focus on nurturing solidarity prioritize stable relationships with workers while at the same time minimizing risks for the NGO as well as for worker representatives. These labor NGOs typically take several months to build trust with workers, study their working conditions and the company’s operations, and carefully mobilize workers while planning collective action. With strong, nurtured solidarity, workers have proven to be more capable of coordinating their actions and protecting their representatives as well as the facilitative NGOs. Interestingly, all three female-dominated labor NGOs took the nurturing approach: Sunflower Center, Little Grass, and Migrant Worker Center. “Red Flower & Grass,” with a male leader, also adopted the nurturing approach, partly because of the leaders’ emphasis on protecting worker representatives. Its founder criticized several NGOs’ for their involvement in worker collective action without building solidarity among workers in the first place. He believes that hasty involvement jeopardizes the workers and their representatives because of the possibility that some protesters may engage in uncontrollable or extreme action⁴⁶. For the female-dominated labor movement NGOs, stable relationships with workers and lower risks were the pillars of their nurturing approach. They tended to target medium-

⁴⁵ Interview, CHH, Guangzhou, November 4, 2013.

⁴⁶ Interview, LZ, Shenzhen, December 7, 2013.

sized factories with 200-800 employees. One staff member of a female-dominated labor movement NGO describes the organization's selection of the nurturing approach:

“Some NGOs intervened after the media reported on the event. It is riskier, and we think it is harder, to engage in that way. We start from social conflicts, select salient issues, target relevant factories, and mobilize the workers. We believe this approach is less risky, but we tend to build longer relationships with workers. Of course, we choose this approach partly because of our history. That is, we are not a risk-seeking organization and our staff are not risk-taking people... They do not seek and are not willing to take public leadership.”⁴⁷

Activities of the Nurturing Approach

The majority of collective bargaining cases facilitated by labor NGOs and led by workers were developed using the nurturing approach. The labor movement NGOs focused on developing leadership among workers, which was typically achieved through four steps. The first was developing the skills of worker-activists who could be potential leaders. Desired leadership capabilities typically included knowledge of relevant laws, knowledge of collective bargaining procedures, eloquence and negotiation skills, and knowledge of the company and its management. NGOs typically provided training sessions for worker activists to equip them with relevant information; they also conducted role-playing sessions to facilitate workers' practice of communication and negotiation skills. Occasionally, to expand the horizons of the worker-activists, the NGOs took them to meetings or conferences in Hong Kong or elsewhere. For instance, Wu Guijun was invited to participate in a conference in Tianjing City, northern China. Wang Qingchu, a worker-activist from the International Paper Factory, attended the “Worker Culture and Art Festival” in Beijing and an International Trade Union Confederation conference in Thailand in 2013. These trips were facilitated by Panyu Center and CLB and were

⁴⁷ Interview, LZ, Shenzhen, April 15, 2014.

Wang's first experiences on an airplane, in Beijing, and in a foreign country. To help workers exercise leadership and control, Panyu Center established a worker committee in 2012 to monitor and guide the Center's work. Outstanding worker-activists were invited to join this committee and meet every one or two months to discuss the Center's cases and suggest future actions. Participating worker leaders included representatives from Hengbao Jewelry Factory, Gaoya Jewelry Factory, and other workplaces. The head of the Center prepared reports for the worker committee and explained any discrepancies between suggested courses of action and actual work. CLB deemed the worker committee a valuable mechanism and made it a requirement for continued financial support to mainland NGOs (Sunflower Center, Spring Wind Center, Zhongshan Center, and Little Chen Hotline).

After potential worker leaders have developed their leadership skills, the second step is for them to coordinate elections in order to build the legitimacy of the worker leaders among their peers. For cases that involve only a small number of workers, they may conduct these elections in the worker centers or other public places under the supervision of the NGO staff. For large factories with many workers, the labor NGOs typically teach the worker-activists about the election process and help them prepare relevant documents; then the workers conduct the election in their factories or dorms. The labor NGOs typically advise worker activists to conduct elections based on their departments.

The third step is to help the worker leaders establish internal communication mechanisms. The leadership team typically consists of worker activists from various departments, with each leader taking responsibility to communicate with the workers from his/her department. The NGOs typically also suggest that the worker leaders

establish electronic communication groups using various software programs, such as Wechat or QQ. This process of dividing communication responsibilities helps build the cohesiveness of the leadership team, maximize representation, and strengthen internal communication.

The fourth step is helping worker leaders establish social media accounts to report their actions online. The most popular social media platform is the microblog Weibo. This external communication is intended to attract media attention and external support. It has succeeded in publicizing many WLCB campaigns.

It should be noted that while these four steps are the dominant pattern, in some cases, the worker-led collective bargaining initiatives have deviated from this protocol in response to particular situations.

A Nurtured Worker-Led Collective Bargaining Case

An example of a protest developed using the nurturing approach illustrates the dynamics of this approach and how it works to empower workers. The mobilization of Baode Toys Factory workers followed most steps of the approach described above.⁴⁸ It began with “Little Grass” selecting particular issues around which to mobilize workers in late 2012. A staff member described their decision to choose pension contributions, based on workers’ frequent inquiries:

“Since last year [2012], we found that pension contribution was an important issue. More and more workers asked us this question. We then made special pamphlets about pension contribution and disseminated them in industrial parks. Baode Factory is located within a highly dense industrial area, and many workers encountered this problem. After distributing fliers for one or two months, more than ten workers called

⁴⁸ A description of this case can be found (in Chinese): <http://www.chengbiancun.com/2013/0808/33701.html>.

us for inquiries. Since they were all from the same factory [Baode], we coordinated them to discuss the issue together. Gradually, we can proceed to other steps.”⁴⁹

Learning about their rights from “Little Grass” motivated approximately a dozen workers to take action. “Little Grass” had meetings with Baode workers every month or two, establishing stable relationships and encouraging them to invite more workers to attend these meetings. Beginning in April 2013, “Little Grass” invited lawyers from Laowei to help workers analyze their situations and potential solutions. After three rounds of discussion (contrasting litigation, petition, and collective bargaining) with the workers over several weeks, the lawyers and “Little Grass” had convinced workers of the necessity and power of acting collectively. Because Baode had more than 1000 workers, “Little Grass” helped the worker-activists prepare relevant legal information to mobilize other workers in the factory. They also prepared forms to collect worker signatures. The worker-activists had soon collected signatures from 552 workers who also authorized 18 workers as their representatives; these worker-activists were thus designated as formal worker leaders. The representatives chose a collective petition as their first strategy for action. From late May to June, they presented workers’ demands to six government agencies, none of which addressed their grievances. Without any results, more than 200 workers withdrew from the collective initiative. Frustrated by the government response and low morale, five worker representatives visited Laowei to discuss strategy in early July. Lawyers at Laowei reintroduced collective bargaining and coached the representatives on how to effectively involve their coworkers in the process:

⁴⁹ Interview, SY, Shenzhen, April 15, 2014.

Duan: Now, the most important thing is to change the concept, namely, from social insurance contribution arrears to collective bargaining with the boss. Why? Because if you ask workers to support collective bargaining, they will think there is big hope if they see negotiations forthcoming. ... Collective bargaining is observable to workers. This shift is crucial. ... Once we draw everybody into collective bargaining, they will understand it and their focus will be different... They will ask ‘when will we bargain with the boss’? That will be good. Then, you can tell the workers a plan: we want to bargain at a particular time, and we have sent materials [collective bargaining request] to the boss. [They may ask] will the boss bargain with us? [You may say] no, the boss ignores us. Then, there is a break. [You can then lead the workers to think about] how to force the boss to negotiate with us? Now the logic is different.

Worker leader H: Right... That is to say, you taught us a method to lead the workers, approaching our goals step by step. ... Right. We can explain [to the workers] that this is the next step, and then another step, approaching the final outcome.⁵⁰

Immediately after this meeting, the leaders sent a letter to their managers, formally requesting collective bargaining and demanding a response within one week. Following the formal steps of collective bargaining mobilized the workers and legitimized two strikes in the following month. Receiving no managerial response after the specified date, several dozen workers went on strike for a short time and management responded by promising to negotiate. To help the leaders in these negotiations, four staff from Laowei drove to the Baode factory compound to practice the negotiation process and potential managerial responses with the worker leaders a few hours before the actual negotiation on August 6. The impasse of negotiation and employer’s refusal to continue the negotiation enraged the core worker leaders, who were determined to organize a large-scale strike. The message that “the management shows no good faith to bargain” convinced those who doubted the legitimacy of a strike. To mobilize young, new entrants who were not interested in pension contribution arrears, the worker leaders added a high-temperature allowance (mandatory for working temperatures above 33 degrees Celsius)

⁵⁰ Fieldwork observation, Shenzhen, July 12, 2013.

and seniority bonuses to their demands. On August 8, approximately 1,000 workers joined in a 7-hour strike, until the management promised a high-temperature allowance and another round of negotiations.

This strike and later negotiations pressured the management to pay the pension arrears. Nonetheless, the Shenzhen labor bureau rejected the workers' demand for back pay of social insurance, claiming a lack of implementation rules. This led the worker leaders and the labor NGO to a dispute with the local government. On May 1, 2014, "Little Grass" organized a signature campaign called "A Labor Day Statement," urging the Shenzhen Labor Bureau to issue Implementation Rules regarding pension contribution arrears. 1,200 workers signed in support of this campaign. In late 2014, the chief worker leader, Mr. Zhou, and several other worker-activists brought the Shenzhen Social Insurance Center to court. Zhou became an active advocate of long-term pension contribution arrears for the first generation of rural migrant workers, who had begun working in the 1980s. Zhou worked persistently to change government policies and interacted with the media⁵¹.

Although the local government initially rejected the Baode workers' demands because of political concerns (there were tens of millions of rural migrant workers who would be entitled to social insurance since the late 1990s), we can still observe the powerful and empowering role of labor movement NGOs. They inspired workers to take collective action by educating them about violations of their rights, helped the worker-activists build legitimacy among their coworkers and sustain worker participation, and enabled worker representatives to lead strikes and negotiations.

⁵¹ Two news reports on Mr. Zhou's fight: <http://city.sohu.com/20131219/n392043712.shtml> .
<http://article.haoxiana.com/174804.html> .

Tactics of the Steering Approach

Although the labor movement NGOs have preferred collective bargaining, they have also remained flexible in exploring alternative tactics with workers. The NGOs have typically presented various strategies for action and then analyzed the advantages and disadvantages of each with the workers, hoping that the workers themselves would choose WLCB. The NGOs typically suggest workers start with mild tactics, such as sending collective bargaining-request letters to management. Accomplishing this helps the worker-activists develop a sense of confidence and efficacy. If the mild action does not work, the NGOs then gradually guide the workers to more radical tactics, including the threat of a strike, refusing overtime, small-scale strikes, sit-in strikes, and demonstrations within the company complex. The NGOs also combine “within factory” actions with “outside factory” strategies, from mild actions such as sending letters and petitioning various government agencies to street protests and sit-down protests in front of government buildings. Additionally, in the case of brands or their suppliers, NGOs typically explore pressure points with overseas CSR groups and the media. Given the close relationships between mainland labor movement NGOs and Hong Kong NGOs and labor organizations, it is not surprising to find many solidarity protests in Hong Kong supporting striking workers on the mainland.⁵² Particularly active Hong Kong collaborators include “Students and Scholars Against Corporate Misbehavior” (SACOM) and Hong Kong Confederation of Trade Unions (HKCTU). While workers may be

⁵² Selected solidarity protests in Hong Kong: supporting Wu Guijun from Diweixin strike, <http://hk.apple.nextmedia.com/news/art/20131024/18476956> ; HKCTU organized solidarity protest supporting Grosby workers, https://www.facebook.com/permalink.php?id=169276086446006&story_fbid=809780712395537 ; supporting Artigas workers, <http://redchinacn.org/portal.php?mod=view&aid=23610> ; supporting Yue Yuen workers, <http://www.boxun.com/news/gb/taiwan/2014/04/201404241500.shtml#.VcIuDvTcyGQ> ;

capable of implementing many of these strategies on their own, the NGOs aim to help workers galvanize their collective action and avoid certain risks, based on the NGOs' experience with collective action and government responses.

Some Cases Illustrating the Steering Approach

Strikes or other forms of collective protest typically develop in the later stages of the nurturing solidarity approach. However, for labor movement NGOs that took the steering transient solidarity approach, the focus was on helping striking workers or those who were about to take action. It was typically very difficult to gain the trust of these striking workers without having made prior contact. Therefore, some labor movement NGOs failed to involve themselves in several high-profile strikes including the 4000-worker strike at Nokia Dongguan in December 2013, the 1000-employee strike at IBM Shenzhen in March 2014, and the 40 thousand-worker strike at Yue Yuan in April 2014. After the strikes had begun, the “Spring Wind Center” team visited these factories and communicated with some of the striking workers. However, they could not identify core activists who were capable of coordinating the strike, and it dissolved in one or two weeks. Additionally, the local government was vigilant and defensive against potential “outside instigators” during high-profile strikes and took action to exclude NGO involvement. For instance, a staff member of Spring Wind was detained for 30 days because of his involvement in the Yue Yuan strike. However, there were also cases where the NGOs did succeed in collaborating with striking/protesting workers. One example was the involvement of Laowei and activist scholars in the protest against Walmart in Changde city of Hunan Province. After learning about the protest from social media,

these external supporters visited the store, guided the employees' union into collective bargaining, and supplied supportive legal information.

Labor movement NGOs were more likely to succeed in steering transient solidarity when striking workers proactively contacted the NGOs on their own initiative, rather than vice versa (as in the cases in the preceding paragraph). Those workers making initial requests for help from NGOs could then serve as the NGOs' core contacts. In these cases, NGOs' major facilitative activities include helping workers frame their demands, electing worker representatives, initiating collective bargaining, and advising on protest tactics. One example was the involvement of Laowei in the Geshibi (or Grosby) strike of 2014. After approximately 600 workers went on strike on May 26, some of them visited Laowei to seek help on next day. Many workers did not know the specific reasons for striking and some even suspected that top management had instigated it to fire striking workers, as the firm was upgrading and laying off old employees. Laowei first helped the worker-activists analyze their situation and frame their demands, such as requesting that the firm promises no change in the terms of employment the upgrade, and on-time payment of wages and social insurance. After determining these demands, Laowei then helped the workers send a collective bargaining-request letter to the firm's management. To legitimize the worker-activists, Laowei suggested (after learning that five workplace union committees had left the company) the supplemental election of a workplace union. One of the worker activists was elected as the vice union chairperson and was able to send bargaining requests and notices as a representative of the enterprise union. Nonetheless, a few weeks later, the local FTU claimed that the supplemental election process was illegal and excluded the five newly elected union committees from union

meetings beginning in late June. Laowei also initiated other strategies to protect and support the striking workers. One was to negotiate with the police after the arrest of two worker-activists on June 24. They were released the next day. Another tactic was to contact CSR groups to pressure the brand's buyers—Marks & Spencer and Clarks in The UK. SACOM issued an open letter demanding that these brand buyers resolve the labor dispute.⁵³ However, the employer took a hard line and fired 109 striking workers who refused to resume work by mid-July. One fired female worker committed suicide within the company complex on July 17. Her death led to several memorial gatherings organized by labor NGOs across China (e.g., Beijing, Guangzhou, and Shenzhen). HKCTU organized a solidarity protest in Hong Kong on July 18.⁵⁴ Lawyer Duan helped negotiate half a million RMB in compensation for the worker's family. Lawyers from Laowei represented the 109 fired striking workers in court, and the cases had not been resolved at the time of writing. As shown in this case and several others, labor movement NGOs' empowerment of workers has not necessarily led to economic gains. Many factors (e.g., employer strategies and government intervention) have impacted whether workers have secured concessions from the employers. The NGOs' goal of empowerment focuses on enabling the workers to fight collectively for their rights and interests.

Long Term Implications of the Two Approaches

The nurturing and steering solidarity approaches have different implications in terms of cultivating both long-term NGO-worker relationships and leadership among workers. The steering approach has typically been issue-based, and the ties between NGOs and workers typically dissolve once the problem is solved or abandoned. Nevertheless,

⁵³ <http://sacom.hk/zh/statementtomarksandspencer/> .

⁵⁴ https://www.facebook.com/permalink.php?id=169276086446006&story_fbid=809780712395537 .

involvement in high-profile strikes has brought mainland labor movement NGOs' activism to global attention through media reports. The nurturing approach has tended to establish relatively stable NGO-worker relationships after protest events. For example, Zhou, of the Baode worker struggle, continued his fight with "Little Grass" for rural migrant workers' pensions even after the strike had ended. This approach also resulted in the emergence of more capable and committed worker leaders. After going through the WLCB process with labor movement NGOs using the nurturing approach, some worker leaders were able to guide WLCB by themselves. For instance, five former worker leaders⁵⁵, who have led WLCB cases, have joined the movement's NGOs and made worker mobilization their full-time occupation. One female worker leader, who led a two-year collective bargaining in Gaoya Jewelry Factory in Guangzhou, discussed her personal growth after interacting with Panyu Center and engaging in the WLCB process. She was born in 1983 in a rural area in the northern part of Guangdong and started migrant work at the age of 16 after graduating from middle school (9 years). She has grown from a female rural migrant worker who could barely speak Mandarin to an articulate worker leader empowered by class identification and consciousness. She joined Sunflower Center as a "collective bargaining consultant" in 2014 and spoke eloquently during a TV interview in July 2015.

"Before interacting with [Panyu] Center, my Mandarin was awful. I could not articulate well. When I first came here [the center], I could not speak much and did not know much Mandarin [she speaks Cantonese]... After participating in their activities, my confidence increased. We asked them for copies of labor laws, and they explained well to us and answered our questions. Gradually, I was not so afraid [of talking and defending my rights]. After taking the first step, I felt I had nothing to lose...[I told my coworkers] you would confront similar problems whichever factory you go. Then, why leave this firm? Why not strive to improve our working conditions

here?... [I told my husband that] if we do not change, our daughter may not get a Ph.D. and she may end up being a worker [confronting similar problems]. If we can effect small improvements, she will not have to endure the same hardship as us... I think maybe our generation's fight could improve a little bit for the next generation. I tried my best to change the situation... I really have learned a lot during this process. I am now entirely different from who I was one year ago.”⁵⁶

Concluding Remarks

Although one labor NGO in Shandong has also practiced WLCB and a few in Beijing and Wuhan City have started to provide collective bargaining training, the ten labor movement NGOs in PRD were collectively, persistently mobilizing worker protests. Due to close social learning, more labor NGOs may transform or emerge to promote worker collective action in Guangdong Province. These mobilization-oriented labor NGOs in PRD were developing into a local movement center in PRD. According to Marris (1984:284), “a movement center has been established in a dominated community when that community has developed an interrelated set of protest leaders, organizations, and followers who collectively define the common ends of the group, devise necessary tactics and strategies along with training for their implementation, and engage in protest actions designed to attain the goals of the group.” The mobilization-oriented labor NGOs in PRD and the mobilized rural migrant workers strived to safeguard rural migrant workers' labor rights, devised and promoted WLCB as a viable mobilizing strategy, and engaged in strikes and other collective protests to improve rural migrant workers' pay and working conditions. The collective action-oriented labor NGOs, empowered rural migrant workers, and early protests were in the process of creating the indigenous resources needed to enable the rural migrant workers to engage in sustained protest: communication networks;

⁵⁶ Interview, Worker leader HXJ, July 20, 2013.

collective action repertoires; NGO-centered groups; experienced protest leaders; and social resources, including discourse on collective action and the established legitimacy of WLCB. In other words, the collective action-oriented labor NGOs might be fostering a labor movement in which the protagonist influencing social change is the rural migrant workers.

One may reasonably question the importance of less than a dozen collective action-oriented labor NGOs and the roughly 40 reported collective protests vis-à-vis a labor movement. After all, these figures seem trivial in light of the 0.26 billion rural migrant workers and thousands of strikes across China. They still appeared trivial even compared with the millions of rural migrant workers and hundreds of strikes per year in Guangdong Province. Moreover, these labor NGOs have not yet succeeded in mobilizing cross-factory protests, a classic indicator of a labor movement. One may doubt that this small group of small organizations can foster a movement. Nonetheless, their importance should be appreciated in their context. They were the work of approximately 30 people over the course of four years. Given limited human and financial resources and the short history of rural migrant workers, the collective protests, media coverage, and social discourse created attests to these organizations' efficiency. Furthermore, the NGOs' trajectory of development over the past four years showed the rapid growth of the NGOs' mobilizing capacities. The organizations and activists learned and improved their practices through acting with rural migrant workers. More importantly, they developed and promoted a viable strategy for Chinese workers to coordinate and sustain their protests, which was critical for a movement to emerge. Some activists explored mechanisms to coordinate cross-workplace collective action. Many movements

experienced long budding phases in which a small number of activists or organizations experimented with various mobilization strategies. Therefore, it might be fair to say that the collective action-oriented labor NGOs were *in the process* of fostering a labor movement and, thus, becoming labor movement NGOs.

This chapter asked whether Chinese labor NGOs can foster a labor movement through collective action. It traced the history of Chinese labor NGOs, their early praxis to address rural migrant workers' needs, the contradictions and some labor NGOs' transformation to empower worker collectives since 2011, and how the labor movement NGOs empowered workers through leadership development and tactics coaching. The relationship between labor NGOs and rural migrant workers and collective experiential learning underlay the development and change processes. The new type of Chinese labor NGOs was in the process of creating the conditions necessary for the emergence of labor movement involving the fledgling segment of the working class.

CHAPTER FOUR

From Covert to Overt: Pragmatic Worker Protest Leaders

A hallmark of the recent worker-led collective bargaining initiatives in China has been the emergence of publicly identifiable worker protest leaders who overtly coordinated collective action. This new cohort contrasted with the “hidden leadership” (C. Chan 2010) or informal worker activists who had covertly led strikes previously (Leung 2015). Leaders are critical to collective action and social movements: they inspire commitment, mobilize resources, frame demands, devise strategies, and influence outcomes (Ganz 2000; Aminzade et al. 2001; Morris and Staggenborg 2004: 171). The importance of protest leaders is accentuated in an authoritarian society such as China, where public debate on politically sensitive issues is controlled and freedom of speech is limited. The result is that, in China, frames and tactics result more directly from leaders’ decisions than from consensus mobilization (Chen 2008:90).

Worker leaders are pivotal in shaping labor protest, and thus understanding the orientation of these overt leaders is crucial to understanding the development of the Chinese labor movement. Who stood up to lead? What motivated them? How did these worker leaders frame and stage their contention? This chapter examines the emergence of protest leaders and the ways in which leaders affected the framing and the collective action repertoire of worker protests. As the first attempt to analyze the newly emerged worker protest leaders among rural migrant workers, this chapter is largely an exploratory analysis of the backgrounds, motivations, and activities of recent worker leaders. I will focus on presenting the ideas and activities of worker leaders and will offer tentative explanations for the identified patterns. The current worker leaders are characterized by

their emphasis on problem solving and their flexibility in framing and selecting tactics, which are both characteristics of pragmatic protest leaders. The prominence of pragmatism arose from protest leaders' lived experience and the larger context from which they emerged.

Types of Protest Leaders

Prior research on leadership in social protest distinguished between the charismatic, ideological, and pragmatic types of leaders (Wilson 1973; Steward et al. 1984; Mumford 2006). Each type of protest leader is associated with different sources of legitimacy. While charismatic leaders' source of legitimacy lies in charisma and articulation of divine or higher source inspirations, ideological leaders obtained legitimacy through their proximity to ideology and their ability to articulate the movement's values, beliefs, and methods (Steward et al. 1984:119-122). Distant from charisma or ideology, pragmatic leaders' source of legitimacy lies in their organizational expertise and efficiency (*ibid*: 123). A pragmatic leader acquires a following by virtue of his or her tact and skills in keeping the collective in motion (Wilson 1973:218).

These different types of leaders also tend to act according to varied mental models, through which they make sense of the situation and form prescriptive mental models to transmit to followers (Mumford and Strange 2002). Charismatic leaders tend to focus on positive aspects of vision and underline relevant causes that people may act on to bring about these goals (Mumford et al. 2008). Consequently, encouraging people to act is crucial, and charismatic leaders rely on role modeling or self-sacrifice and inspirational communication to mobilize (Ligon et al. 2008). Charismatic leaders draw heavily on an

articulated vision that arouses emotional and enthusiastic responses (Aminzade et al. 2001:52). Ideological leaders apply mental models that emphasize root causes that are undermining current attempts to attain valued goals (Mumford et al. 2008). Committed to values and doctrines, ideological leaders use such belief systems to guide their decision-making and seek like-minded followers. This sometimes leads to selective interpretation or discounting of alternatives and dismissal of individuals or actions that contradict the leaders' principles (Ligon et al. 2008). Stressing neither goals nor root causes, the mental model underlying the actions of pragmatic leaders revolves around the characteristics of the present situation (Mumford et al. 2008). Pragmatic leaders seek to craft solutions to specifically posed problems rather than creating a broader vision (Mumford 2006). Pragmatic leaders use any problem-solving skills or tactics that are necessary to solve existing issues and are constantly scanning the environment to gather information and adapt strategies based on rational analysis (Mumford and Van Doorn 2001).

As an alternative to the commonly studied charismatic or ideological leaders, pragmatic protest leaders have gained primacy through their skills and efficiency when solving problems confronting their group. Pragmatic leaders have also been referred to as task-oriented leaders or as exemplifying organizational leadership (Aminzade et al. 2001:130). Attentive to the local situation, they flexibly adapt to emerging contingencies as needed. The pragmatic type of leadership is most likely to emerge in those situations where the movement regards its teachings as a flexible expression of intent rather than as a fixed set of principles or where the movement confronts ideological inhibitions or tactical impediments to organizational formalization (Wilson 1973:218).

Pragmatic Worker Protest Leaders in China?

The newly emerged worker leaders differed from the labor activists or worker representatives examined in prior research. Although prior studies of migrant workers' strikes have documented the facilitative role of informal worker activists (Chan 2010), most of these *informal activists refrained from standing out and publicly* coordinating collective action and negotiating with management and government officials due to fear of retaliation from management and repression from the government (Leung 2015). The recent worker protest leaders also differed from those worker representatives asked by government officials and employers to resolve strikes or from those assigned contact persons for collective complaints. For instance, management initiated an election to form a team of strike representatives to resolve the dispute during the Nanhai Honda strike in 2010, a strike that attracted widespread attention (C. Chan and Hui 2014). Compared with these ad-hoc, communication-oriented representatives, the recent protest leaders were selected by workers to proactively raise grievances to management and government and to coordinate contention. These protest leaders played a crucial role in workers' voluntary organizing. Finally, the recent worker protest leaders were also distinguishable from worker leaders of the SOE workers' protests against privatization (Chen 2006, 2008). While the SOE workers' struggles were based on the breach of the social pact between socialist working class and the state and they utilized government policies, official ideologies and the Worker and Staff Congress (which wielded enormous power in SOEs), the current worker protest leaders and the mobilized workers entered the recent disputes as actors in the market economy and mobilized new weapons such as labor laws and

collective bargaining. In short, the recent worker leaders were publicly identifiable and proactively represented workers in their collective struggle against employers.

The search for workers' ideological resources dominates existing studies of China's labor unrest and of labor activists (Lee 2007; Chen 2008; C. Chan and Pun 2009; C. Chan 2010, 2012; Pun and Lu 2010). Focusing on class analysis or insurgent identities, previous studies tend to highlight class consciousness or legalism among protesting migrant workers. For instance, while Pun and colleagues (e.g., Pun 2005; C. Chan and Pun 2009; Leung and Pun 2009; Pun and Lu 2010) examined strikes among rural migrant workers in Southern China by analyzing of class relations and class consciousness, Lee (2007) highlighted the centrality of legalism among rural migrant worker protests. Lee asserted that the most empowering identity workers found is grounded in one variation of citizenship, namely citizen's right to legal justice (2007: 27), and suggested that migrant workers were indignant over their treatment as second-class citizens by officials and employers and for that reason they staged "protests against discrimination" (2007:x). Criticizing Lee's approach, C. Chan (2012) argued that the state and legality are just two of the resources that workers can use against capital and that recent strikes showed a historical trend toward better planning and coordination as well as rising class consciousness.

Researchers argued that these different proclivities inclined workers toward different modes of contention: class-conscious workers' struggles arise from antagonistic relations at the point of production, and they fight mainly against capital; while citizenship-based protestors target state policies or officials (C. Chan 2012:323). Silver (2003) categorized social struggle into the difference between "Marx-type" and "Polanyi-type" protests, with

subjects in the former fighting against exploitation in capitalist production whereas the latter social-rights-based struggle resists the encroachment of existing social modes. Scholars then argued that these variegated targets were then argued to be associated with different preferred tactics. Lee (2007: 8) characterized migrant workers' protest as following self-consciously law-abiding principles of action: "going to the streets is considered a last resort and usually happens only after other bureaucratic channels have been exhausted." However, scholars who prioritized class analysis highlighted workers' varied forms of collective action, including multiple tactics and cross-factory participation (Leung and Pun 2009; C. Chan 2012).

Revisiting these assertions of legalistic or class-based struggle, Wang (2013) underscored a culture of pragmatic solidarity within workers' collective protests, marked by the flexible use of official discourse, careful evaluation and selection of contention tactics, and reliance on resources from daily life to bargain with employers under the rules of a market economy. In line with Wang's new interpretation, this chapter investigates the role of pragmatism in the emergence of worker leaders and in the ways in which leaders affect worker protests.

Veteran Skilled Workers Stood Up to Lead

While many observers expected that the second generation of young migrant workers were more rights and class conscious and thus more aggressive and willing to mobilize than their predecessors (Pun and Lu 2010; Chan and Hui 2014; Zhang 2015), the majority of the recent worker leaders, especially the chief leaders, belong to the older generation of rural migrants. Analysis of the age information for 40 worker leaders (see appendix C)

indicated that approximately two-thirds of them were born before 1980. Over half of the worker leaders were in their late 30 s or older when they stood up to lead protests in the 2010s. Although my sample was not representative of the few hundred worker protest leaders who emerged over the past five years, the age profile found in my sample was consistent with Leung's (2015: 174) study: 10 out of the 14 informal worker activists who covertly coordinated strikes in his study came from the first generation of migrant workers.

The dominance of the older generation of migrant worker leaders did not preclude the participation of young migrant worker leaders. Although the young migrant workers may have had fewer pecuniary interests in the outcomes of protest, they could assume a leadership role to collaborate with veteran workers to obtain psychological rewards. For instance, the youngest worker leader (aged 18 with 2 years working at the factory) among the 61 worker leaders of the Lide shoe factory strikes in 2014 argued that "Some post-1980s have not yet established families and played around [in strikes]...The post-1990s knew nothing. Just getting out of school and doing this [strike] for the first time; it feels great. It is something cool to brag about in front of others."⁵⁷

The backbone of the recent worker leadership was constituted of workers who had long tenure with their organizations. Analysis of the organizational tenure of 36 worker leaders revealed that they, on average, have been employed in their current companies for approximately 10 years. Job stability among worker leaders is much higher than that of rural migrant workers in general. A national survey of rural migrant workers in 2012 reported a 1.5 and 0.9 average number of job changes over the previous 3 years among the new generation of migrant workers (i.e., those born at or after 1980, also known as

⁵⁷ Interview, YCL, Guangzhou, June 2015

post-80s or post-90s) and the older or first generation (i.e., those born before 1980), respectively (Wang and Fu 2013:95). Particular to migrant workers in the PRD, where most of the recent worker leaders were located, Sun Yat-Sen University's survey of 1766 migrant workers in Guangdong Province in 2009 showed that their average employment duration was 2 years (Frenkel and Yu 2015:267).

Regarding occupational backgrounds, the majority of the worker leaders were experienced skilled workers, some of whom have moved to become foremen. Some were team leaders on production lines or masters of their particular step of the production process. Only in a few cases did administrative staff (employees or managers) join the protests launched by the skilled workers. This occupational cleavage may result from corporations' strategy of treating manual workers and white-collar clerks differently. For instance, they typically offered social insurance only to the latter. This occupational division in the protests was not a result of skilled workers' strategy to preclude white-collar employees; they sought to mobilize as many participants as possible.

This inclusive strategy was reflected in the leaders' practice of combining native-place- and workplace-based solidarity. As demonstrated by Perry (1993; 1997), identities based upon place have long been central to Chinese society and politics. Information on protest leaders' native provinces (see appendix C) showed the concentration of leaders from particular provinces, for instance, Hunan or Guangdong province, among the groups of protest leaders from different factories. A sense of connection based on native place was not the only solidarity resource; workplace-based ties also played a role. It was easier for initial worker leaders to mobilize fellow workers from the same department and to cultivate some of them to become protest leaders. For example, the leadership of the Lide

shoe factory strikes resulted from the combination of native place and workplace factors in the leadership teams. Among the 61 worker leaders elected to represent approximately 2000 workers at Lide, 31 were from Hunan Province and the three largest departments dominated the leadership team.

The prominence of older generation skilled workers in worker protest leadership made manifest the importance of accumulated interest and resourcefulness in leadership emergence. Seniority and age increased the veteran workers' stake in many entitlements that are linked with years of service including severance pay and pension, the two most commonly found demands in recent worker protests. Seniority not only made veteran workers highly interested activists, but it also equipped them with resources, including social ties with fellow workers and knowledge of the production processes and their associated pressure points.

Mixed Motivation and Multiple Paths to Leadership

Workers followed multiple paths to protest leadership: ideational, instrumental, and persuaded. First, a few worker leaders developed an ideational interest in labor struggle based on their past experience. Inspired by an intrinsic interest in workers' rights or dignity, they proactively planned collective action when there were widespread grievances among fellow workers. Nevertheless, these few ideational worker leaders were motivated by disparate ideational issues and had not yet formed systematic beliefs and prescriptive methods (ideology). Second, the majority became worker leaders based on an instrumental interest in achieving their demands through collective action. These instrumental leaders sought to achieve solutions to their own demands by simultaneously

redressing coworkers' common grievances. Third, some of the workers following instrumental interest lacked confidence in their mobilizing capability and, for this reason, were initially reluctant to assume the leadership role. The support from labor NGOs, and sometimes, encouragement from fellow workers, pushed them to take the lead. They were persuaded to serve as protest leaders.

Through these three different paths, some workers landed in protest leadership teams. Notwithstanding their diversified key motivations and paths, the basis for their leadership lay in their capacity to contend with employers. It was their organizational skills, rather than a passionate vision or well-articulated ideology, which enabled them to emerge as pragmatic leaders. The fact that leadership teams were composed of different types of leaders had implications for the dynamics of protest and the future trajectories of these worker protest leaders.

Ideational Worker Leaders

The worker leaders who followed the ideational path tended to proactively mobilize workers even without a strong personal material interest in the outcome, and they persisted in resisting during and after their collective protest. Exemplar ideational worker leaders include Wu Guijun, who led a two-week strike at Diweixin factory in Shenzhen, and Meng Han, who coordinated a 90-day protest at a University Hospital at Guangzhou. Seniority was not the key driver of Mr. Wu and Mr. Meng's activism; neither was the most senior person in the leadership team. Meng had worked at the hospital as a security guard for only three years, while the other core activists he mobilized had worked there for between six and sixteen years. Wu and Meng came to labor activism through different past experiences. Wu, a former peasant born in 1972 in Hunan Province who started

migrant work in 2002, experienced a work injury and the assistance of a labor NGO, leading to his activation. He became involved in the labor NGO's activities to disseminate information about laws among migrant workers, and he focused his attention on issues concerning labor rights violations. Unlike Wu's migrant worker experience, Meng, born in 1964 in Hubei Province, was a former state worker who was laid-off in 1998. Meng was concerned with equity issues based on his experience as a worker dispatched by a labor agency to work in a hospital. The unequal treatment between regular employees and dispatched workers enraged him and propelled him to lead the protest.

Prior activism and demonstrated resourcefulness paved the way for the emergence of ideational worker leaders. Before the formation of major grievances among workers, the potential worker leaders actively aired complaints and fought with management, ascending as rights-defenders at the workplace. They became natural candidates for leadership when workers encountered problems. For instance, Wu was well known among workers at Diweixin through his volunteer work at an NGO concerned with labor rights. He also impressed many workers when he lodged complaints with labor officials regarding the default deduction of fees for food at the factory cafeteria, which he deemed unfair because some workers did not eat at the cafeteria. He also earned respect with his successful removal of managerial retributive practices against him in 2012. When impending factory relocation began to worry the workers in early 2013, Wu stood out as a capable problem solver. Wu recalled his election as the chief leader before the commencement of a strike in the following:

“After the employer announced it [factory relocation]...Most of the workers would like to discuss the problem with me, including some managers and workers from various departments... an informal worker organization was formed...All workers knew my fight with management in 2012... *Workers thought that I was really something because even the employer could do nothing about me...* We established a team of liaisons from all departments...The team elected me as the chief representative for collective bargaining.”⁵⁸

Wu’s past activism and persistence helped him win over some foremen who had longer tenure or a higher skill level than him. A foreman from the molding department, who was recruited by Wu due to the importance of this division, confirmed this when explaining why he accepted Wu’s leadership: “My wage is higher than most of the workers... I did not know Wu well before this [protest]. But I did hold high regard for Wu because of his fight with management last year. We heard about how the employer threatened him, and he resisted stubbornly.”⁵⁹

Similarly, Mr. Meng’s built his leadership position on his persistent and tactical fight for equal treatment for dispatched security guards at the hospital. He first attempted to establish a union branch among the dispatched workers, and his initiative forced the hospital to expand union welfare benefits to them to stop their request for union membership. Although a union branch was not realized, he effectively mobilized a few activists, who spread the word about his contribution to the improvements and portrayed him as a capable mobilizer.

Once selected or elected as protest leaders, ideational worker leaders are less likely to withdraw during the collective protest and more likely to continue activism after it. They persisted in collective protest until the last worker decided to stop the struggle. The

⁵⁸ I would like to express my appreciation to the Worker Interview Team for sharing the transcript of this interview, which was conducted in 2015.

⁵⁹ Interview, Shenzhen, May 7, 2013

presence of ideational leaders can improve the sustainability of WLCB at the enterprise level. Nevertheless, in reality, those leaders usually faced dismissal or government repression, as shown by the detainment of both Wu and Meng during their protest. After being released from jail, they moved their struggle into the courts and continued their labor activism by working at labor NGOs.

Instrumental Worker Leaders

Admittedly, up until now, among the enormous Chinese workforce, it was rare for workers to have an ideational interest in labor struggle and mobilization. The bulk of worker activists took leadership initiative because of a strong material interest in the outcomes and because of their conviction that the more people they could mobilize, the more likely it would be that they achieved their demands. Seniority played a twofold role in potential worker activists' calculations of the personal costs and benefits of collective protest. First, longer service in the factory increased the individual's economic gain if the collective protest secured compromises from management. These economic gains included retrospective pension contributions, back pay for overtime work, and severance pay in the case of factory closure or relocation. Notably, the importance of social insurance increases with age as veteran workers confront rising medical bills or approaching retirement. Second, seniority could lower the veteran workers' cost to mobilize workers. Veteran workers' accumulated solidarity ties within the factory, potential stronger legitimacy among unfamiliar workers from other departments, and plausibly more discretionary time at and off work all contribute to senior workers' mobilization resources and reduce the barriers or costs to mobilization. As expected of

workers who are highly interested in and confront fewer barriers to mobilization, veteran workers constituted the backbone of worker protest leadership.

Several biographical factors play a role in potential mobilizers' evaluation of their material interests associated with collective action. My interviews with many worker leaders revealed a variety of motives for their activism in addition to organizational tenure and associated seniority entitlements: personal experience with health issues (related to attainment of medical insurance) and school age children (social insurance payment was associated with public school entrance in some cities). Some were motivated by the intention to obtain benefits for their spouse who worked at the same firm, to get a pension to reduce children's burden in the future, and to support a newborn baby. Ms. ZHZ's account of her leadership initiatives is one illustration of such calculation based on various personal situations. Ms. ZHZ, born in 1982, had been working in the Hengbao Jewelry Factory for ten years. Her spouse worked at the same factory, which doubled her estimated stake.

“At that time, my spouse and I worked at the same factory. If I took the initiative, the two of us can get it [long-term back payment for pension]. So, I have to actively push it. If only a few workers [get mobilized], I cannot get it either. I talked with more and more workers that it [collective action] is good for all of us and benefits each of us personally. Gradually, I persuaded many others.”⁶⁰

Despite the strong personal interest in the outcome, a similar calculative attitude may render some veteran workers reluctant to personally bear the risks of overtly coordinating collective action. Nonetheless, the concern for demonstration effect came into play and stimulated longtime workers to act as a bellwether for junior workers,

⁶⁰ Interview, ZHZ, Shenzhen, October 21, 2012

thereby making collective action possible. Ms. HXJ explained her decision to serve as a worker leader as a product of her long tenure and concern for the demonstration effect.

“Several of us [core activists, some of whom became worker leaders] had long work tenure here and so were more concerned and urgent to get it [social insurance]... I have been working here for a long time and got to know some inside stories of this corporation and became bolder... Our [the leaders] service in the company is among the longest. If those of us who had worked here for 10 or 11 years were afraid of sticking our necks out, it may affect workers below us, who may think that even they [the veteran workers] dare not, those with a few years’ tenure should cower. We [the leaders] thought about this issue, and so...[became the leaders].”⁶¹

Instrumental leaders tended to be less radical in terms of contention tactics because their main goal was to have their socioeconomic demands met. The demonstration of worker power through strikes was not their main intention. They usually started with mild tactics. A signature campaign, for example, might have concluded their collective action if their primary demands were met. Nevertheless, radical collective action such as strikes was within the realm of possibility when contending with recalcitrant employers.

Regarding sustained activism, instrumental worker leaders normally exited labor activism after solving their immediate problems, moving on to another workplace or starting a small business. A few who developed a strong conviction regarding their entitlements after experiencing collective struggle might have continued in individual legal battles if their collective action failed.

Persuaded Leaders

Persuaded worker leaders had a strong interest in obtaining entitlements, lacked a sense of efficacy and were convinced to lead the protest. “No one was willing to vie [for

⁶¹ Interview HXJ, Guangzhou, July 20, 2013

worker representatives]. All felt incapable and devoid of bravery,”⁶² said Ms. L from the Gaoya Jewelry Factory, which was peopled by women born in the 1980s. Worker activists were receptive to persuasion from three main sources: labor NGO staff, worker leaders, and fellow workers. Support from any or all of these sources helped to build reluctant activists’ confidence in their leadership and to overcome misgivings. The aforementioned Ms. L was persuaded by her coworkers who were already worker leaders and by the trust of workers, which was shown by their nominating her during the election of worker representatives.

The support of labor NGOs was particularly important in motivating hesitant worker activists to become overt worker leaders. Three elements figured prominently in the labor NGO’s effort to activate worker activists. First, labor NGO staff used legal information and information about previous successful cases to convince worker activists both that they deserved entitlements and that it was possible to realize them. This was achieved through labor law training and through presenting testimony from worker leaders employed at nearby factories. As Lee (2007:171) showed, acquiring legal knowledge could be a moment of awakening. Labor NGO staff could also add extra-legal demands to the workers’ agenda as the worker activists’ consciousness grew. Second, labor NGOs helped build hesitating worker activists’ confidence by first only asking them to do small things. Such constructive activities included talking to workers regarding their grievances, making a worker contact list, and serving as the contact person for activities organized by the labor NGOs. These simple activities enhanced the activists’ sense of efficacy and their visibility among workers, preparing them to become candidates for positions as

⁶² I would like to express my appreciation to the Worker Interview Team for sharing the transcript of this interview, which was conducted in 2014.

elected worker leaders. Third, some labor NGOs also visited worker activists' homes to persuade spouses, as they understood the crucial impact of spouses' attitudes on worker leaders' activities, since labor activism usually meant less time with family and sometimes brought harassment by government officials or gangsters. Labor NGOs also invited worker leaders' family members to attend various events. Eliciting spousal support was particularly important for female worker leaders, who undertook household duties and held their husbands in high esteem.

Mr. CMJ, a former worker leader who led the protest at the Hengbao Jewelry Factory, recalled the stimulation of the labor NGOs' training:

“The reason for me becoming one of the first [two] worker representatives was the training at Hong Kong coordinated by [Panyu] Migrant Worker Center. That was my first experience with this kind of training and encouraged me greatly. I discovered...that so many capable people were backing us. Thereupon, my will [to fight] was strengthened and my mobilization words [to coworkers] were improved. It makes a difference in our advocacy when returning to the workplace [from NGO centers] because of our enhanced determination and knowledge.”⁶³

Similar to instrumental worker leaders, persuaded worker leaders tended to be less radical when choosing collective action repertoires. Furthermore, labor NGO staff figured more prominently in the steps and tactics taken by the persuaded worker leaders, who seldom imagined themselves engaging in contentious collective action. Despite their initial hesitation, some persuaded worker leaders continued labor activism after securing their demands, in large part because of the way their protest experience had transformed them. For example, approximately one half dozen worker leaders from Hengbao and Gaoya jewelry factories became long-term volunteer-cum-protest storytellers at the Panyu Center and inspired worker leaders in several other factories. During banquets

⁶³ Interview, CMJ, Guangzhou, September 2012.

dedicated to celebrating victorious protest, Labor NGO staff would also highlight personal growth in the forms of legal knowledge, courage, and communication skills as a major compensation for the extra risks they have taken.

Tailored Framing

Most worker leaders did not believe in the concept of class and did not use the language of class, a fact that is consistent with Lee's (2007) observation that class consciousness among rural migrants in southern China is muted. Two progressive worker leaders, Wu Guijun, an ideational worker leader who resumed labor activism as a founder of a labor movement NGO after his release from jail, and Mr. CMJ, a persuaded worker leader who led a struggle in 2011 and volunteered to share his story to encourage protest at various events thereafter both did not use the language of class. Wu Guijun, who used to read writings on socialism, stopped using class ideology after his detainment. He explained that "I think that any 'isms' were just empty talk. No 'ism' can solve the problems confronting workers now." Mr. CMJ's response to the question about whether there is a division between classes was also revealing: "I don't know about class. I feel that there was no division between classes. I accept the fact that I am a worker and get the amount of money for the tasks I accomplished. I don't care how much the bosses get...I accept it as I am willing to be a worker. If one does not have food to eat, a class may form. If most have food, I don't mind if the bosses earn more [than workers]."

However, Lee's (2007) assertion of migrant workers' self-consciously law-abiding principles of action does not capture the entire picture. Admittedly, labor law was important in stimulating and framing worker grievances. However, it was blended with

cultural elements, which sometimes figured even more prominently in workers' interpretations. For instance, He et al.'s (2013) study of how migrant wage claimants interpreted their disruptive tactics showed that the workers' perception of justice differed starkly from what the law stipulated as target, evidence, and proper procedures; instead, their perception was shaped by the moral precepts ingrained in their culture and by the lopsided relationship between migrant workers and the political and business elites. "The Chinese workers were convinced of the righteousness of their cause, but the details of legal proceedings for redress were beyond their grip" (ibid: 728). It is perhaps more apt to characterize migrant workers' subjective interpretation of their situations as a combination of both legal and cultural dimensions.

Worker leaders integrated legalism with appeals based on emotion and reason (or *qing li* in Chinese). They flexibly prioritized these elements when tailoring their interpretations to particular audiences. For the public, including government officials and citizens, worker leaders highlighted the legal base of their claims, and added moral appeals in their slogans. To mobilize worker participants, worker leaders focused on arousing hope and anger among workers during daily discourse by shifting workers' attention to external support and managerial responses. To contest with employers during collective negotiations, reason prevailed in worker leaders' rhetoric.

Law and Slogans Aim at the Public

Where legalism figured most prominently was among those worker slogans intended to arouse sympathy and support from external actors. Workers' stated demands appeared on banners and on the list of demands in public letters or letters addressed to employers to request collective bargaining. Rights infringement lent impeachable legitimacy to

workers' claims and, as the worker leaders hoped, to collective protest as well. Claims based on law were crucial when worker leaders solicited support from government officials who were charged with law enforcement or were constrained by the rule of law. Keen to claim a legal basis for their protests, worker leaders often translated workers' grievances using terms from the law, assisted by labor NGO staff with expertise in labor law. Sometimes, worker leaders shifted to law-based claims that deviated from their original grievances to express their discontent in the politically correct way and to garner support for their contention. For instance, the worker leaders at the Foshan Jewelry Factory, who were agitated by the reduction of their workload and the attendant wage decline in early 2014 as a pretext for factory relocation, framed their demands in terms of mandatory benefits rather than of base wages. The principal worker leaders explained the interplay between genuine grievances and stated demands.

“At the beginning, we simply wanted the boss to give us more work to do so that workers can earn more. But after getting in touch with the labor NGO...Finally, we listed nine demands to the employer, including social insurance, housing fund, paid vacation, high temperature subsidy, etc. *Indeed, our main goal remained that of a base wage...to guarantee our basic livelihood...* We played at the edge of the law. There was no obvious rights-violation issue [around our main grievance]... We hoped the government and union would pressure the employer into negotiation with us.”⁶⁴

In addition to the attempt to solicit support from government officials, worker leaders used legalistic slogans to enhance the legitimacy of their struggle. For example, the principal worker leader at Diweixin factory, Wu Guijun, aggregated four demands including relocation compensation (the core concern), paid vacation, high temperature subsidy, and pension contribution arrears, all of which were supported by law. At the

⁶⁴ I would like to express my appreciation to the Worker Representative Interview Team, who conducted this interview in 2014.

evening of the first day of their strike, Wu Guijun briefed the team of 13 worker leaders at the factory dormitory. After reading the relevant laws supporting their claims, he reassured the leaders that “our demands are legitimate.” Interestingly, a few years earlier, it was the workers who asked the company to waive pension contributions with the excuse that they participated in rural pension schemes back in their hometowns. Nonetheless, the pension contribution was listed as one of the core demands written on the protesters’ red banner hanging at the factory gate. It read “Ruthless boss secretly relocating; Return my money earned with blood and sweat; Return my pension.” Listing a legal demand, which the worker leaders may not have actually intended to achieve, buttressed the workers’ sense of legitimacy and increased their appearance of legitimacy among the public.

As central as legal claims were to workers’ public demand, moral appeals also dominated workers’ banners. “We want food to eat; we want to live” was a common subsistence-based claim. Other popular catchphrases were moral critiques of employer practices. Diweixin workers, used such telling phrases as “black-hearted boss,” “ruthless boss,” “return our money earned with blood and sweat,” and “[we] offered our prime time to the company, but it has now abandoned us.” Labor NGOs usually encouraged worker leaders to think of slogans that manifested workers’ anger and demands.

Emotions and Daily Discourse with Workers

Legal awareness was less important in the worker leaders’ daily discourse used to mobilize workers. The knowledge of entitlements in the law, though enlightening, was not enough on its own to prompt workers into collective action. On many occasions, workers did not believe that they could materialize the rights on paper in the face of

collusion between capital and local government. Moreover, workers often worried that other workers might choose to free ride. The task of worker leaders was to foster hope and solidarity among the workers. To this end, labor NGO's support and stories about previous success were motivating and occupied an important place in worker leaders' mobilizing discourses.

The protest at Gaoya Jewelry Factory in 2012 was a telling example. Many workers at this factory had heard about mandatory social insurances since 2008 as a result of the firm's decision to offer coverage to top management and some white-collar staff. Although some workers asked top management when workers would also be covered, a collective protest for social insurance did not emerge until August 2012, when a few worker activists, assisted by Panyu Migrant Worker Center, decided to take the lead. These worker activists and elected leaders-to-be focused on drawing workers' attention to the possibility of winning by highlighting external support from the labor NGO and by citing prior victories. A female worker recalled the worker activists' main points and the resulting excitement:

“They told us that ‘we are going to sue the boss, and *we can succeed*. You are welcome to join us if you like.’ We were excited about the news and said ‘Of course, we will join you.’ We also had watched the Hengbao case on TV and knew it was possible. We were also told that a labor NGO would help us for free. It is best that someone is helping us... We were very happy that finally some people took the lead. Besides, other people [NGO staff] support us and teach us the procedures. I really felt that our confidence was improved greatly.”⁶⁵

This encouraging news convinced 63 out of approximately 200 workers in the factory to struggle for social insurance. Many others remained unconvinced about the possibility of actualizing rights on paper or chose to free ride. As a worker leader explained, “we

⁶⁵ Interview, CML, Guangzhou, July 20, 2013.

tried our best to explain to them the importance of social insurance and listed more than ten legal benefits. They were just not willing to fight as a collective. Only after the first batch of us got our retrospective insurance contribution did they start to struggle.”⁶⁶

Another group of 36 workers mobilized after witnessing the victory first hand, reflecting again the importance of hope for worker mobilization.

While worker leaders found it challenging to convince workers to undertake collective action, sustaining and radicalizing collective action was even more energy-consuming. Most leaders considered maintaining solidarity among workers the most difficult challenge. Daily discourse *per se* became a crucial solidarity-building activity. During these conversations, one important element was to frame managerial responses to focus workers’ attention on the enemy, in addition to briefing workers on progress and addressing workers’ concerns. A positive response from the employer could contribute to worker’s hope and sustain their action. Nevertheless, worker leaders did not hesitate to spread stories of employer hostility to arouse anger and stimulate workers to action. Indeed, news about assaults by employers was disseminated quickly among workers. Worker leader, Meng Han stated, “of course, our propaganda about management focused on their negative aspects. This is a technique to build solidarity.”

An illustration of worker leaders’ deft exploitation of stories about top management to stimulate labor unrest occurred during the large-scale protest involving more than 2500 workers at Lide Shoes Factory in Guangzhou, December 2014. Worried about the factory’s impending relocation, workers from the Lide factory collaborated with the Panyu Center to form a group of core activists beginning in August 2014. After the first

⁶⁶ I would like to express my appreciation to the Worker Representative Interview Team, who conducted this interview in 2014.

strike broke out on December 5 against changes in employment contracts, management agreed to negotiate with a team of 61 elected worker representatives who presented ten demands, most of which concerned legal benefits. Employees resumed work after for two days. Nonetheless, top management unilaterally posted news of a settlement package one week later, an action which frustrated the worker leaders who used stories of managerial practices to mobilize a second strike. One of the core worker leaders recalled:

“The boss posted a notice to announce a provision of 500 RMB per year as compensation for our three demands [arrears of overtime pay, high temperature subsidy, and paid vacation]... We [the worker leaders] were infuriated... We called for a meeting of the representatives... *We then went down to ask workers ‘are you willing to accept the 500 RMB settlement?’* and all of them said no... Later, we [leaders] heard this rumor [that the boss consulted the directors, who suggested a 500 RMB settlement, and the boss promised 20 to 60 thousand RMB reward to the directors on the condition that the latter enforces the settlement among workers] and communicated it to the workers. *I said ‘the boss took our money to reward the directors, are you happy with it?’ Workers were angry...* hundreds of workers walked off the job... The second day, we [leaders] felt fewer workers were striking, and we had to do something... we bought a red banner and loudspeaker and marched through the workshops... [some physical conflict with top managers occurred]... *So we shouted ‘top management beat people! Managers beat people!’* Afterwards, all workers stopped their work. That’s how all workers stopped working on the third day.”⁶⁷

The factory-wide strike forced top management to the bargaining table again.

Buttressed by the power of the strike, a team of 13 worker leaders negotiated a better settlement on the fifth day of the strike, improving the standard from 500 to 2000 RMB per year. The worker negotiators deployed reasoning, rather than legal articles, to strike a bargain with top management, accepting a reasonable offer although it was lower than legal standards. “We calculate the numbers with him [the boss]... [we came up with] 5

⁶⁷ Interview, SJH, Guangzhou, June 2015.

thousand per year...He kept bringing the price down...Some of us play good guys and some bad guys,”⁶⁸ revealed of the negotiators.

Reason and Rhetoric

As indicated by the Lide negotiator, reason played an important role in the worker leaders’ rhetoric as they argued to win concessions from employers. In the game of collective bargaining, there was much room for rhetoric: worker leaders could exchange fast redress for discounted legal entitlements, or they could extract extra-legal gains with bargaining power. The costs, benefits, and pressure in these exchanges were subject to interpretation and presentation by the worker leaders. Moreover, workers, management, and government officials could hold different views on the interpretation and implementation of the law and the pertinent evidence. During collective bargaining, the worker leaders were not primarily concerned with the exact standards established by the law or listed in the workers’ demands; they worked toward a reasonable settlement, taking into consideration of the employer’s ability to pay, workers’ power, and time.

While the Lide negotiation team secured a better offer quickly through the pressure of the strike, reasoning worked less well for the worker leaders at the Diweixin furniture factory, who then took their demands to local government officials. After one week of a strike to demand compensation for an upcoming factory relocation, the Diweixin worker leaders secured a negotiation session with top management and its lawyer on May 13. However, management persistently denied that they had a relocation plan and provided new evidence that the employer had extended its factory rental contract for another two years. This denial made it pointless to negotiate severance pay. Nevertheless, the worker

⁶⁸ *Ibid.*

leaders resorted to commonsense reasoning, focusing on actual managerial activities and workers' distrust of top managers. After the employer's lawyer had presented the new evidence, the negotiation went this way.⁶⁹

Wu Guijun: ... If it were not for relocation, why is management moving the machines one after another?

Employer lawyer: Because this firm is shrinking... It was illegal to obstruct the truck, which belongs to a third party.

Wu Guijun: The truck is evidence [so we kept it]... Please do not embroil us on the issue of the truck. The major problem now is the labor-management issue. If we can reach an agreement, I can guarantee to free the truck.

Management's insistence that there was no relocation brought the negotiation to a standstill. Talks resumed after a 25 minute break.

Wu Guijun: About cancelling the relocation, I honestly present the workers' comments. First, [management] announced the relocation, only to nullify it on May 8. Now workers doubt it and ask for severance pay, after which we can start anew. About the other demands, [we] hope management will consider them. Regarding wages for the period of the strike [an extra-legal demand], why did the company need to take the responsibility? *If the firm explained the changes well, we would not have to strike... So, it was management's fault and [I] hope management takes this responsibility...* If management keeps delaying... I cannot guarantee workers will stay calm [threat with more militant action].

Employer's lawyer: The law provides that companies cannot buy off workers' tenure in the firm. [I] suggest you resume work immediately.

Wu Guijun: There is a precedent for buying off workers' tenure. SOEs had done this.

Employer lawyer: There was no such regulation. We don't discuss this now.

After observing the negotiation, top management posted its provision, rejecting the workers' core demand of severance pay and wages for the striking days. Aware of the breakdown of negotiations, the government officials, who had sat in the meeting room to observe the bargaining sessions, tried to promote negotiation. Tasked with preventing and

⁶⁹ Field note based on observation, Shenzhen, May 13, 2013.

dissolving protests, the government officials did not denounce the worker leaders' commonsense argument, although the employer provided paper evidence of a renewed rental contract.

Government official: I worked at the stability maintenance department... My view again: I could not rebut the evidence provided by management. I admit they backtracked... but we need solid evidence.

Wu Guijun: You have already seen that management showed no good faith...[The government] asked us to defend rights rationally, but the employer is playing Tai Chi with us... All the signs indicate that the factory is relocating...

Official: I suggest you not take radical action...How about this plan: terminating the employment relationship based on the agreement of two parties [which also entails legal severance pay]? The door [for negotiation] has not been closed yet...

A female worker who sat in to audit the negotiation urged the official by crying: "This is the 7th day [of the strike]. We have older and younger people who depend on us. We cannot withstand anymore. We, as migrant workers, have to pay for food and shelter here [in the city]. I also have to support my child's undergrad study. We want to live. The boss has countless money and could spend millions to consume our time."

The negotiation was then scheduled at the government agencies for the following days. The worker leaders' reasoned arguments, together with the threat of more radical action, involved the officials in the negotiation. Pressured by the local government, the employer agreed to discuss the standard of severance pay on the next day, offered 300 RMB per year two days later, and moved to 500 RMB per year five days after that. Despite this progress, a few days' silence on the part of the employer irritated the workers, who took to the street again (discussed in the next section on tactics).

While the Diweixin worker leaders made headway using reasoned arguments without hard evidence, worker leaders at the Baode Toy Factory failed to persuade government officials to support their claim for payment of retroactive pension contribution. Unlike

most cities in China, the Shenzhen City government allowed only a 2-year retroactive contribution to pensions, leaving millions of veteran migrant workers falling short of the minimum contribution (15 years) for a pension after retirement. The Baode worker leaders' demands had strong legal support based on the National Social Insurance Law (effective 2011), and the leaders succeeded in pressuring management to compromise by holding a one-day strike. The government's refusal to process workers' demands reflected its limited support for the workers' reasoned arguments when those demands would impose heavy costs on the government.

Adaptive Collective Action Repertoires

Worker leaders selected collective action repertoires along two lines. The first concerned the arena for the fight: workplace or society. The other involved the degree of radicalness: mild or militant action. Based on these two dimensions, worker leaders could draw on four repertoires for collective action (see Figure 9). When worker leaders choose the mild workplace contention repertoire, they play the role of workplace negotiators. The arsenal of tactics in this repertoire included rallies, signature campaigns, collective bargaining, or collective refusal of overtime work. For the repertoire characterized by mild social contention, worker leaders played the role of a social solicitor by resorting to regional union officials, circulating collective petitions, complaining to labor inspectors, exposing rights violation in the media, and engaging in collective litigation. When they the repertoire of militant workplace contention, worker leaders became workplace adversaries. Confrontational workplace tactics included slowdowns, strikes, sit-ins, obstructing company machines or products, and seizing the workplace. Finally, worker leaders figured as the social disturber when they adopt the repertoire of militant social

contention. Typical tactics in this category included road-blocking, besieging government buildings, marching, or demonstrating.

Figure 9 Repertoires for Worker Collective Action

Repertoires of Worker Collective Action			
Radicalness	Militant	<u>Workplace adversary</u> Slow down/strike/sit-in, Obstructing company machines/products, Seizing workplace union	<u>Social disturber</u> Road-blocking, Besieging gov. building, March/demonstration,
	Mild	<u>Workplace negotiator</u> Collectively refusing overtime, Collective bargaining, Signature campaign/Rallies,	<u>Social solicitor</u> Resorting to union officials, Collective petition, Complaints to labor inspectors, Media exposure/Litigation
		Workplace	Society
Arena			

Although worker leaders blended multiple tactics during particular struggles, they also tended to rely heavily on a particular mode of contention for a period of time. A group of worker leaders, for example, might have primarily deployed mild workplace tactics in the early stage to mobilize workers as well as to show their good faith and their desire to resolve the dispute through peaceful collective bargaining. A minor, supplementary tactic might have been to enlist the support of local government to pressure management.

Futility and Adapting Tactics

Worker leaders changed their dominant repertoires from time to time, adapting to responses from management and local government. The prominent motivator for them to adjust their collective action repertoire was the futility of the previous repertoire. Failure

to make headway or experiencing setbacks occur when management maintain a hardline attitude or local government officials support company management.

During the strike at the Diweixin factory, which was spearheaded by Mr. Wu Guijun, an ideational worker leader, the recalcitrance of company management forced the leaders to adopt militant tactics. A team of fifteen worker leaders launched a factory-wide strike involving approximately 350 workers out of 400 employees at Diweixin on May 7 2013. Relying on militant workplace tactics, including a strike and obstructing a heavy truck transporting machines, the leaders forced management to come to the bargaining table one week later. Nonetheless, top management refused to grant any concessions to the workers' core demand, which was severance pay, and denied any intention to relocate. This stance left no room for worker leaders to negotiate relocation-induced severance pay and left the leaders and workers in chaos at the factory gate. One worker leader raised his voice to share a story about how workers at a nearby factory had blocked the road and then received their severance pay immediately. This inspired the workers to take to the street in protest. After their protest produced few gains, the worker leaders and workers started to petition the district government in the following days. Frustrated again by the futility of petitioning district government, approximately 200 workers marched to petition Shenzhen City government on the 17th day of the strike, blocking the road along the way. This shift in the arena to city government backfired, and resulted in the arrest of all of the protest workers and the detainment of two leaders. Mr. GSK, a worker leader, recalled, "The main reason [for petitioning the city government] was the boss's backtracking, refusing to bargain with workers. [He] rejected meeting with workers and even did not show up when there was a fire at the factory. This aroused anger among workers. Most of

us decided to present a petition to upper level government officials, resulting in the road blockage incident.”⁷⁰ After the arrest of the core worker leaders, the strike was dissolved, with most striking workers taking severance compensation comprising 400 RMB per year of service, a standard that was one fourth of the local minimum wage. The fact that they were rural migrant workers polarized their contention tactics in this case: pressured by living costs in the urban area, migrant workers either sought rapid redress by launching radical action or moving on to new jobs without redress and without upholding legal standards.

Recalcitrant employers were not the only actor responsible for pushing worker leaders to change the course of collective action; government officials’ refusal to intervene on behalf of protesters also contributed to workers adopting more militant tactics. e. The Baode workers’ fight for employer contributions to make up for pension arrears was illustrative. Thrilled by the newfound possibility of back payment to their pensions, worker activists at Baode factory in Shenzhen soon mobilized 551 workers and formed a team of 18 worker leaders, spearheaded by Mr. Zhou, fifty-eight year old technician who urgently desired additional pension contribution. At first, the worker leaders chose a mild social contention repertoire, sending and presenting petitions to several government agencies starting in late April 2013. Later, dismayed by three months of futile petitioning and by declining morale among workers, the worker leaders decided to initiate collective bargaining with the employer, in effect shifting to mild workplace tactics. After several weeks’ push, management arranged a collective negotiation session, which ended with the five worker leaders walked out of the meeting room in protest. At this point, Mr. Zhou, an instrumental worker leader who had previously been reluctant to

⁷⁰ Interview, GSK, Shenzhen, October 26, 2013.

incite a strike due to concerns about taking responsibility for any sabotage during the strike, became ready to radicalize after this setback. He added another two demands (high temperature stipend and seniority benefits) to attract the younger workers at the factory and he fomented a strike involving approximately 1000 workers that began two days after the negotiations. Mr. Zhou and his colleagues in worker leadership moved from social solicitors, to workplace negotiators, and finally to workplace adversaries, in response to the local officials' refusal to enforce the laws as well as to the managers' obstinacy.

Setbacks and Radicalizing Tactics

Vexing as uncompromising employers and government officials and the attendant futile efforts were to worker leaders, attacks from the latter two actors presented even more serious obstacles to worker collective action. Managerial retaliation or government suppression was another catalyst to changes in workers' collective action repertoire. The firing or arrest of worker leaders put an end to worker mobilization on several occasions, as shown by the detainment of worker leaders from Diweixin factory and the subsequent end of the protest a few days later. Nevertheless, these setbacks sometimes agitated the remaining worker leaders into radicalizing their action, especially when there was strong solidarity among workers to withstand such inroads.

The contention at the Gaoya Jewelry Factory was an example where managerial reprisal prompted worker leaders to move from mild to radical tactics at the workplace. Encouraged by successfully obtaining retrospective payment to the social insurance contribution and by the support of the Migrant Worker Center, the worker activists mobilized 64 workers to fight for their welfare benefits and formed a team of 9 worker leaders in August 2012. The worker leaders, seven of whom were women born in the

1980s, mainly deployed mild workplace tactics, including signature campaign and collective bargaining. They also employed complementary tactics to solicit government support. Within one year, these worker leaders had more than 10 demands met through collective bargaining, including retrospective social insurance contribution, open-ended employment contracts, limits to outsourcing, and severance pay for workers who wanted to leave the factory. This measure of success made the principal worker leader, Ms. HXJ a target for managerial retribution starting September 2013; for example, management monitored Ms. HXJ and imposed excessive quality control standards. Infuriated by this retaliation, all 19 workers in her department, three of whom were core worker leaders in the year-long contention, went on strike on September 11. The worker leaders were sacked after a five-day strike and engaged in street protest to require reinstatement. Employer hostility led these persuaded worker leaders to eventually use less rational and more drastic tactics.

Another example in which government repression radicalized worker action was the protest against a reduction in workload and wages at Foshan jewelry factory in 2014, which lasted from mid-June to early September. The principal worker leader, Mr. ZXH, who at age 34 was a foreman who had worked at the factory for 15 years, described their contention as in large part “rational” (or mild) workplace-based resistance: “Basically, we did not walk out of the factory to protest...[We] protest for 10 or 15 minutes in the open field within the factory after work, showed banners, took some photos, and posted them on Weibo and Weixin...If [we] march or protest on the streets, policemen may arrest us... I personally do not agree with irrational behavior [during contention] because it...is

not helpful in solving disputes and it can have negative consequences for workers.”⁷¹

Despite this tone of “rational” contention, when 5 worker leaders were arrested on July 21, all 59 workers protested in front of the police department, shouting “release our people immediately!” until the worker leaders were freed. The tactic of the remaining workers protesting in front of the police station in response to the arrest of leaders or workers was shared widely among the staff of labor movement NGOs, who disseminated it to various groups of workers.

Reliance on Workplace-based Tactics

As indicated by the last example, protest activity by workers with overt worker leaders was marked by a noticeable reliance on workplace-based tactics. Soliciting support from government officials or the public acted as a supplement to workplace-based contention. The majority of worker leaders tended to constrain tactics involving social disturbance such as blocking roads. Instead, the emphasis was put on building workers’ solidarity to undertake a sustained workplace struggle.

The reasons for this inclination toward workplace-based tactics were twofold. First, publicly identifiable worker leaders were the obvious targets for any accusations of extreme behaviors on the part of workers, and the risk of these accusations was aggravated by repressive local governments. Worker leaders took responsibility for protecting themselves from detainment and reducing risks for worker participants. Consequently, they tended to analyze the risks and rewards associated with each tactic and to exclude those tactics that brought heavy risks but uncertain benefits. The imperatives of efficiency and safety and the democratic decision-making process, at least

⁷¹ I would like to express my appreciation to the Worker Representatives Interview Group.

among the worker leaders, led the leaders to adopt relatively mild tactics and only to escalate in the face of futility or setbacks. The principal worker leader of the 90-day protest at a hospital at Guangzhou, Mr. Meng Han, explained the salience of efficiency and only taking radical acts out of desperation: “since the beginning, [we were] basically rational and civil. That was a lengthy process, with the hope of realizing our interests with the smallest sacrifices. By the end, there was no much choice [but to orchestrate a public protest at the canopy of the hospital]... Without such action, we could not engender greater impact and our problem would not get resolved.”⁷²

Second, the worker leaders formed more accurate risk evaluations because they shared information with former worker leaders and labor NGOs. Several labor movement NGOs built platforms through which worker leaders from various factories could share their experience and advise leaders of ongoing protests. Enacted social disturbance tactics and the attendant detainment, for instance during the march of the Diweixin workers in May 2013 and the public protest of security guards from a Hospital in Guangzhou in August 2013, served as warning stories for worker leaders. Informed analysis of the utility of disturbing social order rendered disruptive tactics unattractive: they jeopardized worker leaders and workers alike with potential arrest and could also arouse resentment among citizens if their lives were impacted. The ethos of most worker leaders was to “defend rights rationally.” Mr. LYH, a former worker leader in Hengbao factory, fought for pension contributions in 2012. His attempt to dissuade a female worker leader, whose team was planning a public protest in front of a symbolic building in Panyu City in December 2015, was evident of this ethos: “Safeguard rights within the workplace. Do

⁷² I would like to express my appreciation to the Worker Representatives Interview Group, who conducted this interview in 2014.

not pour out of the factory...Avoid any physical conflict. Fellow workers: *our goal is to safeguard our legitimate rights and interests, rather than creating a disturbance*. The only thing to focus on now is to further pull workers' heart together, build stronger solidarity, and act more rationally."⁷³

Facilitating and Forestalling Factors

As shown by their emergence and action, the recent overt worker protest leaders were pragmatic leaders who cherished efficiency and flexibility. Organizational skills and tact played a significant role in their emergence and legitimacy as worker leaders. They focused on solving problems that concerned them and their fellow workers. They were flexible in choosing the frames and repertoires of collective action in response to the local environment. Multiple claims and tactics coexist in their protests rather than dominance by particular frames and repertoires predicated on ideologies.

Their pragmatic orientation arose in part from their lack of experience in collective protest. The would-be worker protest leaders usually lacked higher education and prior movement experience, which are crucial sources of leadership skills (Ganz 2000; Morris and Staggerborg 2004). There were no accumulated collective action repertoires for the newly emerged worker leaders and migrant workers, who were not familiar with organized collective action. This lack of experience with and knowledge of repertoires prompted the worker leaders to experiment and be flexible in framing and staging their disputes. Moreover, as novices in leading contention, the newly elected worker leaders were likely to be susceptible and to adapt to cues from the situational context.

⁷³ A shared post in WeChat, Group of Brother Hai Worker Service Center, December 4, 2015

However, these novices are not the whole story. The collective lived experience of rural migrant workers, who transitioned from peasants to workers over the past thirty years, also had an impact. Experiencing the transition from farm to factory in a booming economy is conducive to a pragmatic mentality. Ligon et al.'s (2008) analysis of 120 biographies of political and movement leaders in the 20th Century found that those with experiences of incremental progress and exposure to diverse people and ideas were more likely exhibit a pragmatic leadership style. Rural migrant workers' experience with advancing living conditions over the decades and their exposure to city lifestyles and people from various provinces may have focused their attention on solving the problems at hand with the hope of further progress and may have encouraged them to adapt to the environment. Many migrant workers considered factory work preferable to farming. As a female worker leader reflected, "I started migrant work after graduating from middle school... I would rather die than farm at my hometown, which is much harder than migrant work. [I] could not withstand the bitterness. I believe many people share this idea."⁷⁴

Moreover, as the first or second generation of migrant workers, many had not yet developed or accepted mental models of the causes of and solutions to their predicaments, if they perceived any. Although the vast majority of veteran and young migrant workers did not intend to return to farming, the path forward with urban life seemed uncertain and full of possibilities. For many of them, entrepreneurship (starting a small business) and education for their children could be alternative paths to escape from lives as waged laborers occupying the lower strata in society. In fact, a few worker leaders started corner

⁷⁴ I would like to express my appreciation to the Worker Representative Interview Team, who conducted this interview in 2014.

shops or transportation businesses after being dismissed or quitting the factory. There were not yet widespread and ingrained ideologies (bundles of values, beliefs, and methods), class-based or rights-based, among the migrant workers.

Contributing to this lack of strong ideational resources was the state's suppression of ideological development among workers. As noted by Chen (2008:104), the state had cut off workers' access to alternative ideologies by restricting their contact with intellectuals and forbidding them to connect with dissident labor groups outside China. The reform period, when a large number of rural migrant workers emerged to serve global production, witnessed a double alienation, if not trauma, of class formation in China: the abrupt denunciation of Mao's class struggle, which paved the way for the twisted subsumption of class discourse (Pun and Chan 2008).

Accompanying this suppression of the development of oppositional consciousness among workers was the state's bifurcated strategy of expansive labor legislation and selective enforcement. Extensive employment rights provided worker leaders with ready-made claims to articulate workers' grievances or to repackage workers' demands. For many worker protest leaders, making effective use of or materializing the rights enshrined in the law books was considered a great achievement. After all, the legislation set high standards for Chinese workers. This pragmatism did not necessarily mean a low level of consciousness among the workers as claimed by A. Chan and Siu (2012). Chan and Siu (*ibid*: 88) argued that because Chinese migrant workers have not asserted rights beyond the legal minimum, their level of consciousness has not progressed much and lags behind their contemporary Vietnamese counterparts, who launched interest-based strikes, and even far behind European workers in the late nineteenth and early twenties centuries,

who staged mass protests to demand enactment of new laws. Chan and Siu (ibid: 89) further asserted that because Chinese workers were not questioning whether the legal minimum had been set too low, they were not making political demands on the state, which is a sign of a higher stage of consciousness. In the face of the high standards in Chinese law, the worker leaders' pragmatically driven acts to press for enforcement are, in fact, making demands on the state.

While the state's quick and proactive labor legislation (Chen 2015:10) supplied worker leaders with the claims, the government's selective implementation of the law did not channel workers to a fixed mechanism to achieve them. Although most worker leaders were disillusioned with the effectiveness and efficiency of the official labor dispute resolution system as informed by labor NGOs or prior experience, local governments' flexible responses to labor protest provided no clear clue as to the most efficient way to stage a collective protest. The cases presented throughout this chapter showed the local governments' responses to worker protest leaders and concerted collective action with a mix of concession and repression. While the government officials muddled through from case to case, worker leaders experimented with various tactics and adapted the repertoires to the situational context.

Concluding Remarks

Rather than asserting the centrality of either class or citizenship subjectivity among rural migrant workers as done by major scholars studying labor unrest in China (Pun 2005; Lee 2007; Chan 2010, 2012), this chapter has attempted to delineate an alternative logic for action among the migrant worker protest leaders, namely that of pragmatism. Pragmatism

does not mean an eclectic blending of legal and extralegal demands and tactics without its own paramount logic. Rather, pragmatism focuses the protest leaders' attention to solving the livelihood problems at hand and making effective use of available resources and means. Pragmatic leaders are flexible in framing and staging contention and adjust the target, arena, and tactics as needed. They fight for a better livelihood; they do not stick to legalist protest or struggle against the capital class.

This chapter analyzed the background, ideas, and behaviors of the worker protest leaders who emerged during recent worker-led collective bargaining initiatives. It showed the prominence of pragmatism among the worker protest leaders, who focused on efficiently solving the problems confronting them and their fellow workers and were flexible and adaptive in framing and staging contention. The backbone of the recent worker leader groups was veteran skilled workers who followed three paths to protest leadership: ideational inspiration, instrumental calculation, or persuasion by labor NGOs and fellow workers. The worker leaders blended legalism and cultural dimensions and tailored collective action frames to different audiences, prioritizing legalism in slogans to the public while underscoring emotion and reason when mobilizing workers or contesting with the employer. Depending on the degree of radicalness and the arena of contestation (workplace versus social), worker leaders orchestrated four collective action repertoires: workplace negotiator, which focuses on solving the dispute through peaceful collective bargaining; workplace adversary undergirded by tactics to interrupt corporate operations; social solicitor, which aims to win support from external actors; or social disturber, using tactics disrupting social order. Worker leaders changed their dominant collective action repertoires from time to time, adapting to responses from management and local

governments. Solution oriented and adaptive, this pragmatism derived from their lived experience and the situational context. The prominence of pragmatism rendered the recent well-coordinated protests distinct from protests against the law while falling short of a radical challenge to global capital or the state.

CHAPTER FIVE

Building Worker Capacity and Power

Does labor NGO-assisted worker-led collective bargaining make a difference for the dynamics and outcomes of strikes in China? Chinese labor unrest was characterized by some scholars as disorganized and short-lived (Chan and Siu 2012; Chen 2015). Other scholars (Lee 2007; C. Chan 2009) have also argued that Chinese workers lack any of the associational power which results from the formation of collective organizations of workers (Wright 2000: 962), although some groups of Chinese workers may enjoy a certain degree of marketplace and workplace power due to labor shortages and their scarce skills. However, scholars using a case study approach to the outcomes of strikes have tended to arrive at optimistic conclusions, arguing that strikes are effective in exacting concessions from employers and inducing pro-labor changes in the Party-state (C. Chan 2010; Pringle 2011; Friedman 2014b; Zhang 2015). Wang's (2014) quantitative analysis of 538 strikes seems to contradict this argument, as it shows that over half (54%) of the strikes failed to achieve workers' demands, many of which were about back pay and mandatory benefits. How to understand the power of Chinese workers' collective action? What factors lead to successful strikes? Do supportive labor NGOs and WLCB make a difference? If so, through what mechanism?

I argue that labor NGO-assisted WLCB has contributed to sustained and more successful worker collective action through building worker leaders' strategic capacity to cultivate and deploy effectively various power resources. Leadership teams and organizational power, which derive from concerted action, have been pivotal in increasing the likelihood of successful strikes. These two factors have activated and

amplified workers' economic and political power to exact concessions. Without concerted action, strikes have been powerful to force some compromises, but they have often been easily defeated, resulting in unstable outcomes for the workers.

In the next section, I will analyze the power resources available to Chinese striking workers. The second section compares descriptive statistics of 39 labor NGO-assisted WLCB cases to data about 538 strikes which were collected by Wang (2014). The third and fourth sections examine the strikes in two paired-sister factories (four plants in total) to demonstrate the pivotal facilitative roles of WLCB and labor NGO's intensive mobilization strategies, respectively.

Chinese Workers' Capacity and Power

Power is critical in determining who gets what. The concept of "power" has been widely used but remains elusive. One popular approach to power focuses on whether actor A has "power over" actor B to the extent that A can influence B to do something that B might not otherwise do (Dahl 1957). Some other scholars see power in more process-based terms as an actor's "power to" set agendas or to shape others' belief about what is legitimate and possible (Lukes 1974; Gaventa 1980). Conceptualizing the relational character of power, Loomer (1976) highlighted "power with" which involves the capacity both to influence and to be influenced or the ability to sustain an internal relation. Finally, some scholars see power in more dispositional terms and focus on the "power of" social agents, defining power as the *capacity of* actors to realize their interests or to bring about significant effects (Wright 2000:962, emphasis added; Levesque and Murray 2010: 335).

This sort of power may involve affecting the interests of others, but it stresses the resources and capabilities of social actors (Levesque and Murray 2010).

Analyzing these various forms of power in the context of strikes without official class organizations, I argue that the capacity or power of workers is paramount. The official unions have rarely organized workers' collective action in China. Workers cannot create or join independent, formal organizations during or after strikes. When workers cannot formally mobilize or coordinate organizations, their capacity to carry out concerted action is wanting, and of particular importance. This weakness could prevent strikes from developing from crowd behavior to concerted collective challenge. Putting a human face to this agency power, the capacity of worker protest leaders is crucial. Enhanced capacity of protest leaders could help build relational power among workers and activate and amplify workers' power over management and power to influence government officials.

Given the restrictive institutional rules about, and limited human and financial resources for Chinese workers' collective action, their strategic capacity—the likelihood that they would develop an effective strategy to mobilize and deploy resources (Ganz 2000:1005)—would be crucial to shaping the outcome of their collective struggles. Ganz (2000) developed the concept of “strategic capacity” to explain why a resource-poor union succeeded in organizing the California agricultural workers while its better-resourced rival failed. He argued that differences in strategic capacity can explain how workers' and leaders' resourcefulness can compensate for the lack of resources. Ganz (2009) further argued that strategic capacity consisted of three elements: motivation, salient information, and learning practices; and that a leadership team's strategic capacity derived from two sources: biographical (identities, social networks, and tactical

repertoires of team members) and organizational (deliberative processes, resource flow, and accountability mechanisms). For Chinese workers, in the absence of supportive unions and contention repertoires and networks developed in the past, the social organizations and mechanisms to build their strategic capacity became crucial.

I argue that Chinese labor movement NGOs were critical in building Chinese workers' strategic capacity, especially in Guangdong Province. These NGOs motivated them and taught them about labor laws and organizational strategies to utilize their power resources effectively. With this strategic capacity, Chinese workers who took collective action were more likely to achieve their goals.

Regarding Chinese workers' power resources, Lee (2007: 24) argued that "given the large labor supply, the prevalence of unskilled and low-wage jobs, and the nonexistence of independent unions, Chinese workers can hardly be described as having much marketplace, workplace, or associational bargaining power." Studying a strike in 2004, when the shortage of migrant workers started, Chan (2009:60) argued that the "expansion of capitalism in China has raised the marketplace and workplace power of workers, but their associational power is impeded by the state socialist legacy." Both Lee and Chan bemoaned Chinese workers' lack of associational power as derived from the formation of formal worker organizations. They undervalued the power emanating from informal organizations in Chinese workers' collective action. "Informal organization exists when the persons composing a group feel themselves identified with it, accept it as the authority for united action, or make it the object of loyalty." (Hiller 1928: 38)

Leung's (2015) study of the mobilization and coordination tactics used by informal activists documented the importance of informal organization in making strikes possible.

Also, China's regime amplified or added some power resources to Chinese workers. Chinese workers' collective struggles were highly effective at the level of the firm because of their ability to inflict losses on capital and disrupt public order; they were effective as well at the political level because they induced pro-labor legislation (Friedman 2014b).

To explicate the effectiveness of Chinese workers' collective action, I argue that Chinese worker collectives may access three main power resources—economic, political, and organizational. First, economic power results from the ability to inflict financial loss on the employer. It is closely related to Wright's (2000) idea of structural power, which emanates from the location of workers within the economic system. Silver (2003:13) further disaggregated structural power into marketplace power, which results from a tight labor market, and workplace power, which results from the ability of a particular group of workers to influence production or service delivery within a key industrial sector. Workers with scarce skills in the labor market or in strategic locations in the production or service delivery system have the potential to impose large economic costs on the employer if they withdraw their effort. This gives them higher economic power.

Second, striking Chinese workers may exert political power by eliciting government officials' support of workers' claims and officials' pressure on employers. Political power is close to the essence of Zhang's (2015:18) conception of legitimacy leverage, a specific type of workers' bargaining power in contemporary China that rests on workers' disruptive tactics and the state's top concerns with maintaining social stability and political legitimacy. Specifically, Chinese workers' political power derives from four sources. One source is China's expansive system of strong employment laws and

regulations, which empower workers to pressure government officials to implement them at the workplace. Another source is the government's preoccupation with maintaining stability. This concern gives workers and their leaders leverage over local government officials. One mechanism that constrains local government is the policy of "one-veto-down rule", i.e. above-quota mass events block local chief officials' bonuses and promotions. Therefore, officials at various local government agencies are under considerable pressure to avert or defuse collective action, especially prolonged disputes that involve a great number of people. Government officials often push employers to resolve striking workers' grievances, to avoid jeopardizing their own job performance and the local chief directors' political career. A third source of power in the political realm is related to the authoritarian Chinese state's performance-based legitimacy (Zhao 2009). Since China's state lacks procedural legitimacy derived from democratic elections, the Party-state's legitimacy relies on its moral and economic performance (ibid). In fact, the state claims itself as the people's servant. The government is positioned as the omnipotent authority with long reach (He et al. 2013: 718). As the sole keeper of public order, labor conflict and strikes can easily develop into issues concerning social justice and regime legitimacy, which entail proper government response. Finally, as noted by Zhang (2015:17), the CCP's continuing adherence to its revolutionary tradition of the "mass line" prompts it to be more responsive to popular demands in comparison to most other authoritarian states. Mao's "from the masses, to the masses" insisted on the reciprocal linkage between political leaders and the led in staking a claim to higher political morality (Perry 2001:164). Indeed, the central government carried out extensive "mass line" education over the past few years.

Finally, Chinese workers may build organizational power, which results from coordination/organization and concerted collective action. To begin with, coordination is crucial to initiate collective action, as noted by Shorter and Tilly (1974: 338), individuals “are not magically mobilized for participation in some group enterprise, regardless how angry, sullen, hostile, or frustrated they may feel. Their aggression may be channeled to collective ends only through the coordinating, directing functions of an organization, be it formal or informal.” Furthermore, “only a *concerted* withholding of labor can inflict appreciable financial losses and arouse interference by the pressure of public or by political action.” (Hiller 1928:17, emphasis original) Coordination empowers collective action through focusing individual’s efforts on common objectives and integrating otherwise self-directed individual acts toward achieving common goals. Leadership and coordination are needed in most of the processes of a strike as identified by Hiller (1928: 10): organization of the strikers, initiating concerted action, maintaining group morale, controlling strike breakers, neutralizing the maneuvers of the employer, engaging public support, and demobilizing in an orderly manner. Constructing organizational power is a process of cultivating and synthesizing collective cohesion among workers and developing mechanisms to ensure deliberative vitality and a degree of internal democracy (Levesque and Murray 2010:336; Gumbrell-McCormick and Hyman 2013:30).

Chinese workers had to learn how to wield power not only vis-à-vis capital but also the government. They could wield the power to exact significant concessions from employers once they learned to exploit the institutional space skillfully and directed and controlled their collective action. It is in this sense that labor NGO-assisted WLCB

helped Chinese workers activate and adroitly deploy their power resources to be in a better position to obtain their objectives.

NGO-Assisted WLCB Sustained Longer and Succeeded More Often than Disorganized Strikes

This section compares the process and outcomes of labor NGO-assisted WLCB cases to Chinese strikes in general. Given the lack of official strike statistics or detailed academic analysis of a large number of strikes in China, I will use Wang's (2014) study of more than 526 strikes from 2008 to June 2013 in her dissertation to represent the characteristics of strikes in general. Wang collected the information based on her own search of the internet, as well as on searches conducted by other internet sites and on that compiled strike information. She included only cases on which there was adequate information regarding the strike process and outcomes. This method of data collection made her sample smaller than those collected by, for example, *China Strikes* which recorded 763 strikes from 2008 to 2012 (Elfstrom and Kuruvilla 2014:463). Nonetheless, Wang's study is the hitherto most comprehensive record of the demands, duration, and outcomes of recent strikes.

For my comparison group, NGO-assisted WLCB cases, I coded 39 collective action cases in Guangdong Province in which labor NGOs provided substantial support. I limited the WCLB cases to those in Guangdong Province because most of them occurred in this province and thus represented the dominant pattern of WLCB. The few cases in other provinces, for example, the Walmart Changde store union's protest (See Li and Liu 2015), were more likely to be impacted by other factors, because of their rarity in the

local context. I did not include those few strikes where the NGOs were present at the sites, but failed to establish a trust relationship with the striking workers to influence their action (e.g., Nokia Dongguan strike in 2013 or Yue Yuan strike in 2014).

One final point about my method of selecting cases for comparison: Wang's dataset may have included some of the NGO-assisted strikes. If so, this overlap functioned to underestimate the differences between non-NGO involved and NGO-assisted collective action. In other words, the longevity and higher successful rates found among NGO-assisted WLCB case in comparison to strikes in general could be more overt in reality.

Table 1: Comparison of 39 Labor NGO-assisted WLCB Cases and Chinese Strikes in General

	Non-NGO assisted strikes (536 cases by Wang 2014)	NGO-assisted Worker-led Collective Bargaining (39 cases)
Formal worker leaders	No	Yes
Collective bargaining without strike	No	18%
Average strike days	about 3 days	21 days
Demands met (partial/all)	46.27%	87%
Arrest/detainment	11%	20%
Severance pay demand	17%	49%
Dismissal	NA	20%

NGO-assisted strikes tended to be sustained longer than those without NGO involvement. In 32 out of the 39 the cases, workers engaged in strikes, which lasted on average 21 days. There were three extraordinary sustained strikes, one of which lasted 90 days and the other two 88 days. There were four cases where workers struck for one month. On the contrary, the overwhelming majority (86%) of strikes in Wang's general survey lasted from 1 to 3 days (Wang 2014:22). About two-thirds of the strikes lasted one day or less. Only 0.75% of Wang's 536 cases lasted over 30 days. Another noticeable characteristic of the dynamics of NGO-assisted WLCB cases was the few cases where

workers attained their objectives through collective bargaining without resorting to strikes. Concerted collective action through collective bargaining was able to coerce management to make concessions in 7 cases.

NGO-assisted WLCB cases tended to be more successful in terms of obtaining workers' demands. Hiller (1928:207) identified four categories based on the degree to which strikers gain their demands: success, compromise, postponement of the decision (e.g., strikers resumed work due to upcoming collective bargaining or government investigation), and defeat. Since worker representatives sometimes strategically added minor grievances onto the demand list so as to succeed in obtaining their real interests, it was difficult to accurately differentiate "success" or "compromise" cases. Adding to the difficulty was the fact that several NGOs that coordinated WLCB also advocated short-term "compromise" among workers in the hope of establishing a long-term collective bargaining mechanism in the workplace by reducing employer hostility to WLCB. These NGOs also wanted to cultivate workers' positive experiences with WLCB through explicating the rationales for compromise. If we count those cases as successful, the workers succeeded in 34 (87%) of the 39 WLCB cases. There were a few cases where workers did not achieve their objectives because of employers' hardline attitude or government's restrictions on workers' demands; for example, the Shenzhen Social Insurance Center refused to process pension contributions arrears which dated back more than two years and this policy denied the demands of the strike at Baode Toys Factory. . WLCB's success rate was almost twice that of strikes in general whose successful rate was 46%.

The higher success rate achieved by NGO-assisted WLCB's was not without risk. In one of five cases, workers were arrested or detained;⁷⁵ this was nearly twice the rate for ordinary strikes (11%). This higher arrest/detainment rate was not the result of workers using violent tactics; in fact, the labor NGOs hoped to advise workers to minimize hazards by limiting destructive behavior. The higher arrest rate mainly resulted from the fact that these strikes were coordinated by overt worker protest leaders who were usually the target of arrest and WLCB collective action lasted longer than the strikes in Wang's data base. Local policemen and security officials were more likely to arrest overt worker leaders during strikes in the hopes of defusing the protest, especially when the protest was lengthy. Reflecting this observation is the fact that most arrest/detainment occurred after 15 days of protest.

Another factor contributing to the higher arrest rate was the involvement of NGOs. In several occasions, workers were taken away to be questioned about the role of the labor NGOs in their collective action. Since most labor NGOs relied on overseas resources, their activities in WLCB cases sometimes activated officials from various levels of the National Security Agency, which is charged with monitoring the influence of "international forces."

The high rate of worker dismissal which occurred in WLCB cases calls into question the sustainability of this strategy. Core worker representatives or activists were discharged in 8 (20%) of the WLCB cases. Moreover, 19 (49%) of the WLCB cases concerned severance pay issues, which meant the striking workers left the company after their fight.

⁷⁵ The difference between arrest and detainment centers on the time in custody. Arrest may last from one day to 15 days (administrative charges). Chinese police are authorized to arrest a citizen for interrogation within 24 hours without providing solid evidence. Detainment is usually longer than 15 days and involves time in the prison.

As a result, in over two-thirds of the cases, the worker leaders did not remain in the firm against which they coordinated collective action. Moreover, many worker activists left the company after their fight, without being sacked by the employer. For those few cases where the worker leaders remained in the corporation after an episode of contention, they functioned formally as rights-defense or grievance counselors to fellow workers and as bridges between workers and labor NGOs. Therefore, NGO-assisted WLCB mainly built transient, informal worker organizations. The specific mechanisms through which the NGO-assisted WLCB worker led collective bargaining strategy contributed to lengthy and more successful collective action will be explored in the following paired-comparison cases.

The Power of Collective Bargaining: Guanxing verse Guangli factory strikes

The different dynamics and outcomes of strikes at the Guanxing and Guangli sister factories in 2011 underline the importance of coordination in leading to success in strikes. There were two sets of contrasts in this paired-comparison case analysis. One contrast concerned disorganization at Guangli strike and informal coordination at Guanxing strike. The other contrast concerned changes that occurred in the Guanxing factory over time, the change from informal coordination to formal coordination through collective bargaining after Laowei became involved, and the change from a limited management offer in the early stages to a bargained settlement at the end

Common Background

Shenzhen Shajing Guanxing Precision Watch Chain Factory (Guanxing factory) and Dongguan Guangli Precision Watch Factory (Guangli factory) were sister factories

producing watch supplements for the Japanese brand “Citizen.” Both were registered as Citizen’s subsidiaries in Hong Kong. The Guanxing factory focused on wrist chains, indicators, and switches for watches. The Guangli factory focused on assembling watches, watch cases, and other watch supplements. The Guanxing factory had a longer history. Citizen set up production plants in Shenzhen in 1983. Guanxing Shajing factory was founded in 1989; later several other plants merged into the Guanxing factory. Guangli factory was established in 2000 in Dongguan, a city adjacent to Shenzhen. By the time two strikes occurred in 2011, there were 1300 employees in Guanxing factory and 2300 in Guangli. They were skilled workers earning about 2000 to 3000 RMB wages per month, including overtime pay.

Similar Initiation Pattern, Different Issues, Different Patterns of Coordination

The two factories witnessed similar events that triggered strikes in 2011. Both strikes began in response to relatively accidental events and started among workers in the grinding department, which is a core department in the production chain. In both cases, the strikes spread to involve most workers. The issues that triggered the conflicts were different from the key demands that workers presented in later stages.

The Guangli factory strike started on June 12, 2011. The activating event was an electronic power supply problem resulting from fires that broke out on the mill’s air conditioners on June 8 and 9. Managers asked workers to return to work on June 10 and posted an announcement which required them to work on the weekend to make up the two lost days of production. The company did not offer to pay overtime pay for the weekend, which would have amounted to about 100 RMB for each worker. Some grinders complained about the announcement but received no response from top

management. On the morning of June 12, some employees in the grinding department stopped their machines and struck. Soon, all 400 members of the department were on strike. Because no one was willing to serve as the representative, there was no worker to aggregate the demands which evolved over the course of the strike. Top management hoped to talk with the strikers but they refused to send their representatives and shouted “[we] don’t want to be represented.”⁷⁶

About 300 workers petitioned the local village committee on the next day. When the officials asked for their demands, workers reported the core issues as: illegal compulsory overtime (5 to 6 hours per day), unpaid 10-minute morning meeting at work, and no union (the factory did have a dysfunctional union which many of the workers did not know). However, the village committee did not help the workers. On June 14, the firm announced that trouble-makers or dissatisfied workers could leave the company and managers destroyed all the 10-minutes morning meeting notices in the factory. The workers from the grinding department then added “severance pay” to the list of their demands. Many workers from other departments joined the action. On June 15, most workers (about 2000 out of 2300) joined the strike. Hundreds of them petitioned the town government, which set up a “joint investigation team” to resolve the disputes. When the officials asked strikers to write down their demands, workers added additional complaints - unpaid 10-minute morning meetings, the employer illegally requiring a 100 RMB deposit for uniforms, the employer making a default deduction of 250 RMB for dining in the firm cafeteria. This fee was counted on the workers’ personal income tax. They also complained about arbitrary deduction of points and fines and threats of

⁷⁶ From a news report, Liao Wang, July 9, 2011:
http://news.ifeng.com/mainland/detail_2011_07/09/7596031_0.shtml .

Table 2: Key Characteristics of Strikes in Guanli and Guangxing Factories in 2011

Factory Name	Commonality	City	Total employed	Key trigger	Core Demands
Guanli	Same parent company: Citizen Watch (Japan)	Dongguan	2300	Electronic power problems caused firm to announce two day rest for workers, but required them to make up the days by working on the weekend without overtime pay;	1. 10-minute morning meeting at work without pay; 2. Remove 100 RMB-deposit for firm clothes upon entrance; 3. Remove 250 RMB default deduction for firm dining; 4. Compulsory overtime (5 to 6 hours over time/day); 5. Arbitrary deduction of points and fines and threats of dismissal; 6. No functioning union; 7. Severance pay for workers who quit since the firm violated laws in the first place; 8. Remove one departmental manager;
Guanxing		Shenzhen	1300	Change from piece rate to hourly rate wage system for grinding department	1. 40-minute overtime pay arrears from 2005 to 2010; 2. Raise contributions to pension and housing fund; 3. Raise wage;

Factory Name	Strike Time	Striking workers	Strike Days	Government Action	Strike Outcomes	NGO involvement?	NGO assisted tactics	NGO assisted outcome
Guanli	2011: 6.12-6.23 (12 days)	hundreds - 2000	12	Investigated and negotiated with management; policemen showed up during second strike	Returned 100 RMB deposit; Compensated 10-minutes morning meeting as overtime pay; Another small-scale strike against management's negation of promises; 21 workers were fired after the second strike without any changes;	No	NA	NA
Guanxing	2011: 10.17-31 (15 days) slowdown: 11.1-11.17 (17 days)	200-1200	strike:15 slowdown:17	Numerous riot police forced workers to resume work; 20 workers arrested;	Firm agree to pay 300 RMB plus 100 for each year of employment	Yes, 11.7-17	2 rounds CB over 40-minute overtime arrears	Ten-year overtime pay arrears

dismissal, and about the fact that there was “no union”. The town government officials noted workers’ demands and promised to announce decisions on June 20. A worker pointed out another key underlying complaint in a blog: many workers from Sichuan Province at the grinding department wanted to remove their department manager, who accepted bribes and who favored new workers from Hunan Province⁷⁷. This blog went on to explain that the basic wage was the city minimum wage (1100 RMB), which meant, some workers complained, that their basic wage was less than the local minimum wage, after the default deduction of 250 RMB for factory dining was taken into account.

The strike at Guanxing factory also started in the grinding department. About 200 grinders struck on October 17, 2011. The spark was management’s announcement that the grinding department would change its compensation system from piece-rate to hourly-rate pay system beginning October 16. Grinders feared that this change would reduce their wages from 2300-2800 RMB to about 2000 RMB. After the localized strike broke out in the grinding department, 80 workers in the chemistry department soon joined the action and began walking around the factory complex to mobilize other workers.

The workers at the chemistry department had gained experience with collective protest in late 2010 and were inspired by the Guangli factory strike, which occurred several months earlier, to plan another collective action. The strike of the grinding department provided such an initiation opportunity. Employees of the chemistry department had worried that their department would be scrapped and relocated ever since two departments were closed since 2008. Top management had not paid adequate legal severance compensation to those laid-off workers, and this failure stimulated workers in the chemistry department to plan their fight in the long run. Several activists from the

⁷⁷ The worker blog: http://blog.sina.com.cn/s/blog_6aeea67f0100rin1.html .

chemistry department conducted a collective signature campaign to protest against the company's decision to shorten vacation days for the Chinese Spring Festival in 2010. Their petition also protested the company policy of making the 40-minute break time (for going to toilet and drinking water) unpaid. Immediately after the complaint was presented to factory managers, they granted more vacation days. Management also canceled the unpaid 40-minute break policy, nine months later, in October, 2010. Encouraged by this initial success, the activists in the chemistry department began to plan action to attain compensation for the break time the company had not paid during the years 2005 to 2010.

Since workers from the chemistry department had played the key role in mobilizing workers, their concerns over the 40-minutes unpaid break and for severance pay became the core demand of the strikers. On the strike's second day, management offered to negotiate. Upon learning about the upcoming negotiation from the activists who were encouraging strike action, almost all workers from the factory (about 1200 out of 1300) joined the protest on the third day. The striking workers then added another two demands : company pension contributions should be based on workers' real income rather than on the local minimum wage, and the enterprise union's representative should be removed because the union was fake and could not represent them in negotiations with management)⁷⁸.

While the bulk of the factory's workers had broadened their demands, the grinders who had kicked off the strike were mainly concerned with severance pay. They also wanted a medical body check to make sure they did not contract occupational disease

⁷⁸ Workers' open letter with their demands in their blog:
http://blog.sina.com.cn/s/blog_9571ab980100w1bw.html.

before they left the firm. In fact, all the workers from the grinding department left the company upon receiving their severance pay on October 24 (Leung 2015:141).

Similar to Guangli workers, employees of Guanxing did not send any representatives to negotiate with management in the early stage of their protest (Leung 2015:142).

Although several activists from the chemistry department secretly mobilized strikers and maintained their morale, they did so surreptitiously, so that top managers could not identify and retaliate against them. A few departmental managers supported the strike behind the scenes, while several junior-level supervisors and a few ordinary worker-activists mobilized other employees. Strikers did not trust each other; some worried that if anyone was designated a representative, the company would bribe him or her. Besides, if someone became a traitor, how could strikers mete out punishment? (ibid: 146-147).

While there were similarities in the early stage of the two strikes at the sister plants, there were also differences in workers' tactics. Guangli workers tended to rely on political power. They frequently petitioned local government and waited for the government's decision during the period June 15 to 20, after a few officials promised to investigate their case. After June 20, they clocked in but refused to work. However, there was no active mobilization to maintain group morale. There was no sign of organizational power in formation. On the other hand, the activists at Guanxing did not visit any local government agencies. Instead, they insisted on striking within the factory compound. They relied on secretly building workers' power while they waited for top management's response.

Outcomes Obtained by Strikes Prior to NGO assistance: None vs. Informal Coordination

At both strikes, in response to the protests, management offered a few adjustments, pressured by workers' economic power, which was making it hard for the company to complete rush orders. . Guangli factory management returned the 100 RMB deposit to workers on the sixth day of the strike. Three days later, the town government team decided that Guangli management should compensate employees for the unpaid 10-minutes morning meetings and cease demanding illegal overtime and give up the practice of arbitrary rescheduling. However, the officials denied the strikers' demand for severance pay and for raising the basic wage, or for removing the 250 default deduction, explaining that these demands could not be supported by laws or regulations. The complaint on union was totally ignored. Accordingly, management announced its willingness to compensate employees for the 10-minutes morning meeting time and to pay the wages of the nine lost days due to the strike. Many strikers returned to work, ending a 2000-worker, 11 day strike. Nonetheless, grinders weren't satisfied. They still wanted to remove the department manager and they threatened to beat him. In response to their threats, dozens of riot police appeared at the plant. The following day, the grinders resumed work after the company president divided their department into two divisions to resolve their conflict with the department manager. About this outcome, a worker wrote in his blog that: "previous rescheduling and illegal overtime was not compensated...It was obvious that management and the government colluded to compensate only the tiny part (the 10-minutemeetings)." ⁷⁹

At the Guanxing plant, by contrast, Guanxing management offered to compensate strikers 300 RMB, in addition to 100 RMB for each year of service in the company on the fourth day of the strike. The company press told a journalist that most workers had

⁷⁹ The blog page: http://blog.sina.com.cn/s/blog_6aeea67f0100rin1.html .

accepted the package and returned to work⁸⁰. The press also reported that local government officials had mediated the dispute. Nonetheless, workers refused the offer and continued striking. A week later, management made a formal announcement that it make an additional contribution to its employees' pensions. However, it denied other demands, including workers' core demand of company payment for all the 40-minute overtime stints that had never been compensated. Management's announcement also set a deadline for strikers to resume work. The following day, about 20 striking workers walked out of the factory to stage a protest in the company's administrative building. Dozens followed suit and stood on a bridge which connected the production plant to the administration building. 100 riot police were sent by government officials to break up the demonstration. They arrested one worker, who was soon released after his pregnant wife protested by threatening to kill herself. After the weekend hundreds of riot police and various policemen entered the factory to force all strikers to their posts. Police intervention, as well as managerial threats of dismissal, ended the 15-day strike. Workers retaliated by slowing down production.

Laowei's Involvement in Guanxing Changed the Process and Outcomes

The final result of the two strikes varied greatly because of the involvement of Laowei and the introduction of a formal collective bargaining process. On June 28, Guangli factory management reneged on its promise to pay the lost days due to the strike. It further retaliated against grinder by declaring that strikers who had not returned to work by June 21 would be counted as being absent, and, therefore, fired. This included mostly grinders, who had not returned to work because of the unresolved conflict with

⁸⁰ BBC report, October 25, 2011:
http://www.bbc.com/zhongwen/simp/mobile/chinese_news/2011/10/111025_citizen_china.shtml .

the department manager. After management announced its punitive decisions, some employees went back on strike. Eight of them were fired on the next day. Another 13 workers were dismissed four days later. Interestingly, the town government officials carried out the dismissals on behalf of management. The employees' small scale resistance had been defused. In the end, the Guangli strikers won some compensation for the unpaid 10-minute meetings, and they forced management to change a few illegal employment practices. However, twenty one workers had been fired. Laowei represented four of them in court, but lost in all the steps. This defeat showed that without coordination, a large-scale strike could easily be broken by management's divide-and-rule tactics. Managers could make small offers to attract some workers to resume work. They could also make use of the ambiguous legal status of strikes to threat to discharge strikers. For many workers, being discharged could mean the loss of a large amount of severance pay. As most workers resumed work, it was difficult to initiate another strike without catalyst events regardless of the fact that management had reneged on its promises.

These employer tactics had previously broken large-scale strikes, including the 3500-worker strike at Nokia Dongguan⁸¹ and the 40 thousand-worker strike at Yue Yuan⁸² in 2014. Of course, government repression also played a role in cracking down these strikes. Workers' economic power had been able to secure some gains for workers, but it could not sustain and win more without leadership and organizational power.

⁸¹ The managers offered 1000 RMB per day for those who resumed work and fired more 200 workers during the five day strike.

⁸² Responding to workers' demand of long term pension contribution arrears, managers offered to make contribution two years in arrear and 230 RMB benefit.

What made a difference in the final outcome of Guanxing workers' struggle was the help from Laowei and the adoption of a worker-led collective bargaining strategy. Confronting severe government repression and the forced return of strikers to work, the activists in Guanxing sought external support. They consulted a few labor NGOs, and also set up a blog to report on their continuing resistance. On their blog, they left a contact phone number.⁸³ After calling this number, a staff member at Laowei got in touch with the activists and won their trust. On October 6, ten campaigners visited Laowei to seek legal support.

The first thing Laowei did was to help the workers establish a formal worker leadership team. Laowei used two tactics to persuade the activists to formalize their role as worker representatives. First, it set this action as a pre-requisite for assistance. Lawyer Duan told the workers that "since this action involved 1000 workers, we will not accept the authorization from only one or two workers. If it is about the common demand of all workers, [I] hope worker representatives collect their signatures to legitimize your representative role."⁸⁴ The worker-leaders initiated departmental election processes and collected 584 signatures the next day. Twelve worker representatives were designated. Second, Laowei used its moral and legal support to encourage formal worker representatives. Two days after the election, some representatives expressed their worries concerning possible managerial retaliation to Laowei. The staff at Laowei replied to their concerns by sending an encouraging text message:

"Please do not be afraid of management's revenge. When we stood up to defend our rights, what we lost are the chains on our body! Since we have chosen to fight, we should not be intimidated by revenge. We will require the firm not to encroach on the

⁸³ The dedicated blog: http://blog.sina.com.cn/s/articlelist_2507254680_0_1.html.

⁸⁴ Laowei's case memo.

legitimate interests of worker representatives in our letters and during the negotiation. If managerial retaliation happens after this event, we will help defend representatives' rights."⁸⁵

Besides providing support, Laowei also built worker leaders' capacity by providing a variety of information. During worker activists' training session, Laowei discussed how to form effective worker leadership teams, the responsibilities of worker representatives, the importance of aggregating demands, the legality of strikes, the legitimacy of their demands for compensation for the 40-minutes overtime, and the reasons for choosing collective bargaining rather than litigation. Laowei then addressed all questions and concerns raised by the workers. Laowei also shared the story of the Honda strike of 2010 to encourage the activists. Finally, the law firm taught the worker-leaders about collective bargaining and its procedures. In the end, Laowei helped the worker representatives send a statement to management refuting the claims it made in its recent announcement.

Guanxing's top management welcomed the involvement of Laowei and agreed to engage in collective bargaining quickly. At first, the company doubted whether worker representatives could actually speak for all the workers but the authorization-signatures from over half of the employees proved convincing. Management elaborated on the enormous economic loss suffered by the company due to the strike and expressed its hope to resolve the conflict as soon as possible. It even provided a meeting room for the worker representatives and Laowei staff to discuss negotiation strategy. During the first labor-management meeting to set up bargaining rules, the worker representatives agreed to resume work. The two sides agreed to appoint five negotiators on each side, and top

⁸⁵ Laowei's case memo, October 9, 2011.

management agreed that all the other worker representatives could observe the negotiation.

Collective bargaining enhanced workers' power in two ways in this case. First, because the worker representatives from all the departments came together to aggregate their demands publicly and to discuss each department's bottom line, the leadership team coordinated the action among the departments. This proved an effective counter-tactic to management's efforts to divide the workers. Thus, the formation of a leadership team for collective bargaining consolidated workers' power. In addition, the representative team's reports to workers about bargaining progress created for the strikers a common interpretation of the situation. This helped them concert their action.

Second, the collective bargaining process allowed the worker representatives to deploy the workers' economic power effectively to pressure the employer at a critical point in the conflict. The worker-leaders used strikes and other forms of withdrawal to push past bargaining impasses. After the first negotiation session, management offered to compensate workers for one year's unpaid 40-minutes breaks, but, not as overtime pay. The worker representatives were dissatisfied with the offer. A few representatives mobilized workers to reject the offer by refusing overtime work. On the following day, the company president talked to the worker representatives who played dumb with him and replied that they were advising strikers to resume work. The employees went back to work. This demonstrated the worker representatives' mobilization capability and increased the pressure on management. At the second bargaining session, management agreed to compensate workers for five years of 40-minutes overtime arrears, but proposed a 40% discount. The worker representatives

countered that their bottom line was an 80% discount. After a few hours' negotiation, the worker representatives insisted on 75% discount as the minimum. They walked out in protest twice. The two sides finally reached agreement on a 70% discount. All workers approved the settlement on the next day, and the contract was applied to all the 1200 workers. The representatives signed a memorandum of agreement with management. The company kept its promise, and did not retaliate against any of the strike leaders.

Furthermore, top management recognized the effectiveness of collective bargaining and agreed to continue meeting with the worker representatives committee. They met regularly to discuss various workplace issues. Several representatives kept in touch with Laowei about the ongoing labor-management consultations. In February 2012, one representative informed Laowei that the factory was going to conduct democratic elections of the enterprise union committee. Laowei conducted training on union elections and factory relocation, which was the workers' current concern, for some representatives in March 2012. Laowei continued close collaboration with a few representatives until June 2012, after which many workers left the factory due to the firm's upgrading and relocation.

Because there were experienced foremen/workers coordinating the strike at the Guanxing factory, the facilitative effect of external support was mainly manifested through the introduction of collective bargaining. Although it was Laowei that encouraged the activists to form a leadership team and create a formal coordination mechanism, the law firm mainly taught the leadership team collective bargaining, without intensive doing leadership development. While this paired case underlined the power of *collective bargaining* in the presence of experienced activist workers, I will

demonstrate the importance of *labor NGOs*' intensive mobilization in the absence of pre-existing activists in the next paired cases.

Labor NGO Intensive Mobilization Matters: Luenshing versus Maintown Plant Protests

The protest at the sister plants, Luenshing and Maintown, revolved around similar grievances, confronted the same employer and local government, and were both assisted by Panyu Center. Moreover, the activists at Maintown consciously imitated the action of activists at Luenshing. The main difference lies in the degree of participation by the Panyu Center. Whereas the Center had long term interaction with workers at Luenshing and helped them coordinated sustained and successful strikes, the Center was not able to establish a strong hold among the employees from Maintown whose protest attempts were defeated by management promise and security department of the local government.

Common Background

Luenshing Molding Limited, of Guangzhou, which will be referred henceforward as Luenshing, and Maintown Industries Limited, also of Guangzhou, henceforward called Maintown, were established by the same Hong Kong entrepreneur in the early 1990s. Luenshing was founded in 1993, Maintown in 1995. The two sister factories were located in the same industrial park one street apart from each other, in Taiping Industrial Park at Lanhe Town of Guangzhou City. The two plants produced molds and mold accessories, including molds for toys, auto parts, communication equipment, household electrical appliances, and industrial products. Once the largest Asian molding company (registered in Hong Kong) before the financial crisis, the two plants provided a variety of

Table 3: Key Characteristics of Collective Action at Maintown and Luenshing Plants in 2013

Factory Name	Strike Time	Striking workers	Strike Days	Government Action	Strike Outcomes	NGO involvement?	NGO assisted tactics	NGO assisted outcome
Maintown Ind. Ltd	2013: 7.15	20	1	Thwarted a 200-worker meeting	Restored small allowance	Severed by security agency	NA	NA
Luenshing Molding	2013: 6.26-7.3; 8.3-10.10	300-96	77	Threats and also facilitated labor-management bargaining	1. Housing fund arrears; 2. No reduction of bonus; 3. No reduction of base wage; 4. Canceled dismissals; 5. Severance pay for 96 workers	Yes, from scratch	1. Elect leaders; 2. Rounds of CB; 3. Strike; 4. Petition	NGO helped attain all the gains

Factory Name	Commonality	City	Total employed	Key trigger	Core Demands
Maintown Ind. Ltd	Same Hong Kong entrepreneur founder	Guangzhou	1466	Housing fund contribution arrears Reduced midnight snack allowance from 8 to 3 RMB	Resist the reduction
Luenshing Molding			800	Housing fund arrears and reduction of bonus	June: Housing fund contribution arrears; July: 1. raise base wages; 2. No reduction of total wage; 3. no reduction of bonus to make up for minimum wage increase; etc. (10 demands in total) August: 1. Resist change to curb overtime work; 2. severance pay for laid-off in disguise

molds to various brand companies including McDonald, Honda, Samsung, and BMW. Management practices at the two factories were similar, with minor differences, making it possible for some workers to transfer from one plant to the other. Management at both plants provided decent wages and benefits in the early 2000s, but workers seldom saw raises after 2007. As a result, some dissatisfied workers left the plants. By the time of the protests in June 2013, there were about 800 employees at the Luenshing plant and another 1450 at the Maintown plant.

Successful Attainment of Housing Fund Provision Arrears at Luenshing Plant

The same issue, housing fund provision arrears, caught the attention of workers at both plants in early 2013. Housing fund provision is mandatory for Chinese firms, and the government has set the minimum contribution at 7% of the monthly wage⁸⁶ for the employer and employee respectively. Partly because of this high rate, many local governments and employers did not meet this requirement. While both plants provided social insurance for all employees beginning in 2001, they only made contributions to the housing fund for top management, neglecting the vast majority of workers. A few workers at the Luenshing plant visited Panyu Center in March 2013 to enquire about housing fund contribution arrears. Several workers at this plant had been visiting Panyu Center since July 2012, after they learned about its successful collaboration with the Hengbao Jewelry factory workers located in the same town. Although the Center encouraged the workers to mobilize other fellow workers to fight collectively for their goal, most workers in the plant did not believe it was possible to obtain the contribution which was more than 10 years in arrears. Therefore, the Center filed suit on behalf of

⁸⁶ Some local governments fixed a few categories as the baseline, rather than using employees' actual wages.

those workers who spent time at the Center to claim the long-term housing fund contribution arrears, hoping by this means to win the trust of workers. After this suit had succeeded, another 188 workers sought help from the Center in May 2013. Although the Housing Fund Management Center could accept the workers' applications quickly, the workers did encounter one problem, namely, most of them had not kept their first employment contract with the plant, and thus were not able to provide proof of their years of service before 2001, when the firm had started to buy social insurance for them. The plant refused to provide these employment documents when the managers realized that hundreds of workers were requesting them. The workers asked the Center what to do, and the Center told them that the quickest way was to mount collective action. The workers responded quickly, and dozens of them went on strike and besieged the managers on June 11. When informed of the strike, the Center advised workers to adopt some tactics⁸⁷ to avoid arrest⁸⁸. The managers soon agreed to provide the employment records to end the small-scale strike.

News of this success soon spread to the workers in the nearby Maintown plant. Some began visiting the Center. One foreman from the Maintain plant, who had previously worked at Luenshing, began attending meetings of Luenshing workers at Panyu Center. The foreman, who supervised about 20 workers, embraced the Center's approach of using collective action to improve working conditions. He followed the Center's protocol to mobilize collective action. He used the issue of housing fund contribution arrears to attract about 70 fellow workers. He then invited a staff member from the Center to give a mobilization talk to the workers, explaining the benefits of collective action and

⁸⁷ Such as arranging female workers in the front to avoid physical conflicts with the besieged managers.

⁸⁸ Two worker activists from Hengbao Jewelry factory were detained when they besieged a top manager.

answering workers' questions and concerns. Through this meeting, the foreman and the Center further aggregated several other issues from the workers, including problematic overtime pay, the absence of open-ended contracts, lack of paid leave and maternity leave, and so on. The foreman used these issues to activate many other workers and obtain signatures from 200 workers in late June.

Maintown Activist's First Unsuccessful Emulative Strike against Subsidy Cuts

The mobilization process at the Maintown plant followed the pattern of Luenshing, but the outcome at Maintown plant was largely a failure due to inadequate mobilization. In early July, the Maintown activists added another grievance to their goals, following the initiative taken by Luenshing employees.

After the Luenshing worker-activists had built trust through their first collective action, they began exploring with the Panyu Center staff additional ways to resolve other employment issues at the plant. Stagnant wages became their key grievance. The Luenshing activists utilized the timing of management's practice of reducing subsidies in reaction to the annual increases in baseline wages to meet the local minimum wage which was adjusted annually. The city government increased the minimum wage in May 2013. Upon receiving their paychecks in late June, Luenshing workers found that their total wage remained stagnant. Three hundred workers went on strike on June 26. A staff member of the Panyu Center returned from training in Hong Kong to coordinate a meeting of 134 striking Luenshing workers in Guangzhou. At this meeting, the strikers elected 15 representatives and 5 negotiators on July 1. The representatives later collected signatures from those who did not attend the meeting and the election. The Luenshing representatives then bargained with management, which agreed to rescind the subsidy

reduction and promised to discontinue them in the future. Management also agreed to participate in ongoing collective bargaining to address other issues on July 3.

Following this success, Maintown activists also mobilized coworkers to resist the reduction of daily mid-night snack subsidy from 8 to 3 RMB. A few dozen of his coworkers went on a brief stoppage when their leader, the foreman was on his day off, but they had not planned for and coordinated this action. Since the strikers were without a coordinator or spokesperson, the managers soon persuaded night shift workers to resume work, promising to bring the issue up to top management. A few days later, top management did reinstate the 8 RMB allowance per day, although the foreman originally suggested improving it to 11 RMB per night. The middle-level managers retaliated against the by not giving him any overtime work for two weeks, which was a major penalty, since overtime wage made up between one-third and half of workers' total wages. When I asked him why managers responded quickly and penalized him rather than dismissing him, which was their usual practice, he told me that the reason was that he occupied a critical position in his section of the factory. He supervised the pattern-setting department, without which many production processes could not proceed. A well-planned strike in his department, he explained, had the potential to halt production in several departments.

There was no such planning, however. Rather, the Maintown strikers took only a small-scale collective. It did not develop into a large scale, plant wide strike against management's policy of reducing subsidies. This outcome was not nearly as positive as what Luenshing strikers achieved through collective bargaining.

Maintown Activist's Second Emulative Attempt to Address Housing Fund

In mid-July, the foreman activist at Maintown planned another mobilization session involving all the 200 workers who agreed to participate. He intended the gathering to be a kick-off meeting to initiate collective action to fight for payment of housing fund contribution arrears, as well as several other issues. He modeled this meeting after the Luenshing workers' meeting, which elected leaders to form a leadership team. The foreman activist had confirmed the meeting with all 200 workers, collected action fund from them (20 RMB each and 3000 RMB in total), and reserved places in a local restaurant. However, the plans for the meeting were somehow discovered by local security officials a day before the meeting. The staff member at Panyu Center blamed the Center's director for leaking the information to the security agency. Another possibility was that the security people learned about the upcoming gathering of workers through monitoring. In any case, the security officials ordered the Center to stop the meeting. The security officials also sent warning messages to the activists and many of the 200 workers who had signed up to participate. These messages threatened to arrest the workers for "illegal assembly."⁸⁹ Moreover, on the day of the planned meeting, ten security officials surrounded the door of the restaurant to intimidate workers who showed up, thereby thwarting this potential mobilization meeting. This action had a devastatingly chilling effect on the workers, who had no experience with security officials. The message was clear: the local government did not approve Panyu Center's activities, and collective action would be repressed. These Maintown employees, many of whom had not yet met the staff from Panyu Center, were frightened and withdrew from the collective initiative.

⁸⁹ According to China's Criminal Law (Article 296), the leaders of assembly, which has not obtained official approval, could be sentenced 5 years in jail.

Since intensive mobilization had never taken place, these newly activated workers could be easily intimidated by government officials and quickly lost trust in the Center or confidence in worker collective action.

Policemen and security officials had threatened striking Luenshing workers as well, but they were not intimidated and followed the Center's suggestions to argue with officials. Only the active foreman from Maintown who had interacted intensively with the Center and respected the staff there, continued to work with the Center. Nonetheless, he alone was not able to initiate another collective action without a worker leadership team. During my fieldwork at Panyu Center in December 2013, the foreman activist brought three fired Maintown workers to the Center for legal aid. He was still working with the Center to mobilize fellow workers to fight for housing fund contribution arrears.

The strikes at Luenshing and protests at Maintown occurred at similar times and focused on the same grievances (housing fund contribution). However these actions resulted in strikingly different outcomes. A key differentiator in the paired cases was the degree of NGO involvement. The Panyu Center had been assisting several workers from Luenshing since July 2012 and had interacted intensively with several activist workers during their first collective fight for housing fund contribution arrears beginning in May 2013. The Center had also successfully coordinated meetings with the mass of participating workers in addition to the activists. The Center had forged a trust relationship with the worker activists and helped them launch mass mobilization. In contrast, the Center interacted mainly with the foreman activist from Maintown only since June 2013. More importantly, the Center had failed to conduct mass mobilization due to a leak from the Center or perhaps government surveillance. The NGO's mass

mobilization proved essential for workers to develop an effective leadership team because Chinese workers currently lack mobilization and coordination skills on their own, because so many of them are new to industrial labor.

Panyu Center's and Luenshing Workers' Coordinated Sustained and Successful Strike

Luenshing management changed its attitude about compromising with its employees and adopted a hardline stance after observing that during the Maintown struggle, part of the local government, the security agency, had opposed worker collective action. At Luenshing, , the newly confident management refused to sign any documents or memos with worker representatives during the second round of collective bargaining on July 16, although they did sign a memo documenting the agreements made on July 3.

Management also reneged on their prior promise to participate in ongoing negotiation by adopting delaying tactics. Moreover, on July 31, company leaders announced that the plant would implement an 8-hour, 5-day workweek starting the next day. Since employees relied heavily on overtime pay, this policy would have cut more than one-third of their wages. Under the new policy, workers had to apply for overtime work, which management could approve or deny. In practice, managers refused to allocate overtime work to those who participated in the collective action.

Panyu Center staff analyzed the situation along with the Luenshing worker representatives and found no solid legal ground on which to challenge the new overtime policy. After several rounds of discussion, they based their protest on the vague principles listed in the Labor Law. They framed their new fight as “against discriminatory employment practices and demanding equal pay for equal work.” They further framed the new policy as “lay-offs in disguise,” claiming that top management was forcing workers

to quit by cutting their compensation so as to avoid having to pay workers severance. The protest's new demands became pay severance compensation or guarantee the former compensation levels. Given top management's refusal to negotiate, the worker representatives initiated another strike on August 3 involving about 110 workers. 96 strikers persisted for 70 days and finally obtained satisfactory severance pay, despite the company's hostile stance

This strike resulted in Luenshing management's paying severance pay for the first time in the plant's 20-year history. The Luenshing strike was one of the longest battles in recent years. Those few strikes that had lasted even longer were also coordinated with the participation by the Panyu Center.

Two factors helped Luenshing workers achieve this success: worker leaders' strategic capacity and their efficient deployment of economic and political power. Both were facilitated by the Center's intensive mobilization.

Expecting a hard fight, the staff at Panyu Center spent endless hours encouraging the representatives and providing them knowledge and tactical support through training and 24/7 counseling. One staff member shared his analysis on the successful mobilization, saying

We [he and the worker leaders] are like brothers now. However, this mutual trust did not develop in just one day. We often spent more than ten hours a day together over the past four months, discussing tactics and sharing experiences. There was one time when several workers were taken to the local police station, and the representatives and I talked over the phone until 4 in the morning in order to come up with a plan to get them out. Luckily, they all managed to go home that night.”⁹⁰

A worker representative shared his experience working with the Center staff, remarking that:

⁹⁰ Interview, CHH, Guangzhou, November 2, 2013.

Brother Hai [the staff member of the Center] provided frequent training to us. Moreover, he visited our families, persuading our families to understand what we were doing. At the most difficult times, I was desperate and thought it was impossible to win. At the time, there was a rumor that the boss was going to spend 0.2 billion RMB to take us down. My wife's support and brother Hai's encourage sustained my persistence to the end.⁹¹

Intensive mobilization and the concomitant solidarity developed among the workers helped the worker representatives overcome management's divisive practices and threats, and enabled the strikers to resist government officials' dissuasion, threats, and bribery. One worker representative shared his defiance of one government official's threats, explaining that

I was constantly being pressured and intimidated, but my brothers and sisters had my back and I had nothing to lose. A government official tried to scare me by saying: 'Lin, do you know that even if the workers get compensation, the representatives will not see a penny, especially you!' I told him to shut up and said he was the one who should be worried because it was his government job that would be in jeopardy if our dispute was not properly resolved.⁹²

Based on the strength of this organizational resource, the worker representatives and Panyu Center skillfully employed economic and political power. Regarding economic power, the Center and worker representatives planned mild tactics and moved to more radical ones to impact non-participating workers in the factory. They initially surrounded top management to initiate negotiation and conducted small-scale strikes, without much impact, as top management outsourced some orders and arranged more overtime work to nonparticipants. In response to this setback, the striking workers started to march within the factory complex, holding banners and shouting demands. Finally, workers marched

⁹¹ Interview, CHH, Guangzhou, November 2, 2013.

⁹² Interview, Guangzhou, November 2, 2013.

across the various workshops blowing whistles to interfere directly with the workers doing their jobs. As one worker wrote in her diary, “[W]e bought 30 whistles and blew them as we marched. What a noise we made! The control shop almost halted production, and the director called the police. The police did come but did nothing to us.”⁹³

A more effective source of power for the striking Luenshing workers was political power. . To utilize political power, Panyu Center emphasized to the workers that they had to act rationally and to refrain from giving any excuses for officials to arrest them. A key method of activating political power was to collectively petition government agencies. . Furthermore, workers walked in orderly lines along the sidewalk during their march to the government agencies to minimize the likelihood of being arrested. The workers frequently visited the Letters and Petition departments of their local government agencies. At the initial stage, these offices persuaded workers to go through the official labor disputes resolution system. After learning that the workers were well-coordinated and determined, the government officials then started to pressure the employer. The Letter and Petition department and the town labor bureau were more inclined to solve the conflict by coordinating labor-management bargaining.

Under pressure from local government officials, the employer agreed to provide 30% of the legal severance pay, though he continued to argue that the workers’ demands and actions as lacked a legal basis. Given workers’ persistent resistance, the town government established a special task team to deal with the dispute. This team pressured the employer to agree to pay 40% of the legal standard in early September. Rejecting this offer, the workers continued their collective action and intentionally leaked their plan to petition the Provincial Letter and Petition Department after the National Day Holiday.

⁹³ A Luenshing worker’s diary recording their struggle, September 24, 2013.

This threat worried the local labor bureau officials and policemen, who eagerly negotiated with the worker representatives and the Center during their National Day vacation. Concerned with threats to their performance evaluation, these officials acted as the middleman between worker representatives, on the one hand, and the employer on the other, while they pressured the employer to make a better offer. The employer finally signed a collective agreement with the worker representatives on October 10 (two days after the National Day Holiday), offering to pay 70% of the legal severance pay. Although the discount appeared imperfect, the worker representatives negotiated the baseline wage to calculate the compensation as the workers' highest wage during the previous 12 months. Based on this formula, some workers obtained more than the legal standard.

Comparing the Power Dynamics of the Strikes and Facilitating Factors

The two strikes at Guanli and Guanxing resulted in different outcomes mainly because workers at the different plants created different degrees of organizational power. Workers at Guanxing coordinated their actions while those at Guanli did not. To some extent, the Guangli factory workers started out with more economic power, since they had 2000 workers participating in the strike. Moreover, the local government was more supportive of Guangli factory workers, than its counterpart was of Guanxing employees. Nonetheless, the strike dissolved soon after management made its small concession. In contrast, riot police forced Guanxing strikers to resume work. In the Guanxing strike, there were activists who continuously mobilized and sustained workers' collective action for the first three weeks. Laowei-assisted collective bargaining made a difference in the

dynamics and outcome of Guanxing workers' struggle. The dynamics changed from striking and waiting for top management's response to proactive coordination and negotiation. The outcome changed from 300 plus RMB compensation to about 12,500 RMB per worker. The Guanxing factory spent 15 million RMB on the settlement.

One might argue that the activists at Guanxing factory might have been able to attain their demand through their hidden leadership, without the help of collective bargaining. I would argue that it would have been very difficult for the activists to sustain the strike after the workers were forced back into their departments. The core activists at the chemistry department had limited reach beyond a few departments. Without seeing other strikers, most workers would likely have resumed work after losing hope for the strike. In fact, the activists were very anxious during their meetings with Laowei. They pushed the latter to initiate negotiation quickly. They were also anxiously planning another strike which might have been destroyed the bargaining by destroying management's trust. That action would also have discredited Laowei. A chaotic strike might then have been disrupted by management's divide-and-rule tactics. The Guanxing workers might have secured more concessions than the original 300 plus seniority RMB package with a continuous, informally coordinated strike, but they probably would not have obtained as much as they actually gained through formal coordination and collective bargaining.

The different processes and outcomes of the protests for similar issues at the sister plants, Luenshing and Maintown, was a result of the fact that at Luenshing, a labor NGO helped the workers to mobilize, while at Maintain, there was very little NGO involvement to mobilize workers. The labor NGO had the opportunity to mobilize the Luenshing workers, building the strategic capacity of the worker leaders and workers'

organizational power. By contrast, the same labor NGO did not have an opportunity to mobilize the Maintown workers because its staff members had only limited interaction with a few active workers and because the local government hindered the protest at its early stage. Without the full participation of the labor NGO, the strike at the Maintown plant was easily defeated, while at the Luenshing plant, the Labor NGO's active involvement helped workers overcome both management's maneuvers and the threats by some government officials. In the end, the worker activists succeeded in coordinating a sustained and successful strike to achieve workers' demands.

The working of political power in the Luenshing case was different from what happened during the Guangli strike, where workers resumed work after the government team exacted minimal concessions from management. The key differentiator was workers' concerted action or organizational power. In the Luenshing case, government officials' pressure on the employer became a strong force leading to the workers' success after workers faced down some officials' initial threats. Indeed, worker representatives turned the tables on the government employees by exploiting their fear of receiving negative performance evaluations.

Concluding Remarks

The chapter asked whether and how labor NGO-assisted-WLCB impacted the process and outcomes of strikes. General comparisons and paired case analysis have shown that labor NGO's support and WLCB helped Chinese workers coordinate sustained and successful collective action. Labor NGOs motivated and trained activist workers to take on formal leadership functions to coordinate collective action resulting in collective

bargaining. Labor NGOs and worker leaders skillfully deployed various power resources to achieve workers' objectives. Although Chinese workers were not able to create or join independent, formal worker organizations, the workers in these successful mobilizations did create informal worker organizations to direct and control their collective action with the support of some labor NGOs. Over the past few years, these informal worker organizations have mainly been transient vehicles for collective action because employers often close or relocate their plants, and/or dismiss worker leaders after the strikes end. Nonetheless, these labor NGO-assisted WLCB initiatives were most rural migrant workers' first attempts to practice solidarity (Bensman 1985). These initiatives' constructive effects are likely to extend beyond the successful coordination of strikes to cultivate Chinese worker protest leaders' organizational skills and Chinese workers' organizational power.

CHAPTER SIX

Chinese Labor Politics in Historical Perspective

This dissertation seeks to understand how Chinese labor activists and migrant workers deploy domestic as well as international resources to advance workers' livelihood amid restrictive institutional rules. In developing the case for a strategic labor agency, I have attempted to trace how a key advocate of worker mobilization, the Laowei Law Firm, has changed from its legalistic approach to a promoting collective bargaining since 2011. I furthermore explore what Chinese labor NGOs have done and why some have changed to mobilize workers. I have also attempted to determine what workers became protest leaders and how they framed and staged labor protests, as well as how these elements (labor NGOs, collective bargaining, and worker protest leaders) combined to enable workers to coordinate sustained and successful strikes.

In sum, the main finding is that the Western idea of collective bargaining was disseminated to Chinese labor NGOs, which promoted it as a method to coordinate sustained collective action by Chinese migrant workers. Laowei played a crucial role in creating and promoting this Chinese version of collective bargaining, or what I term worker-led collective bargaining, which was marked by worker protest leaders, concerted collective action, and collective negotiation, instead of by the union-management negotiation common in Western countries. Disillusion with the official labor dispute resolution system and support from the international labor advocacy networks prompted the leader of Laowei to improvise worker-led collective bargaining and theorize it within the Chinese context. Influenced by Laowei as well as by the futility of individualized strategies to effect significant improvement for rural migrant worker groups, several labor

NGOs, primarily in the Pearl River Delta, experimented with and adopted worker-led collective bargaining as a method to empower worker collectives to address the root causes of their plight. These transformed labor movement NGOs helped develop protest leaders among the workers. The majority of these recent worker protest leaders were composed of veteran-skilled workers who followed multiple paths to leadership. These individuals focused on solving the problems that confronted them and their fellow workers, and they were flexible and adaptive in framing and staging their protest. In short, they manifested pragmatism. Labor NGO assistance and the mechanism of worker-led collective bargaining have contributed to sustained and often successful collective labor protests.

Two noticeable features of these recent initiatives include external support to worker mobilization and the enhanced organizing capacity of workers. The significance of these changes is particularly impressive when placed in a historical perspective. C. Chan (2010, 2013) provided the most systematic academic record of strikes among rural migrant workers in China's first special economic zones in the Pearl River Delta and documented strikes back to 1986 when twenty-one workers stopped work as a result of management's failure to increase wages as promised. C. Chan (2013:119) commented that the strikes in the 1980s were very place-of-origin oriented and lacked any strategic planning. Placing the limited number of strikes amid the growing population of rural migrant workers and probing workers' consciousness, A. Chan and Siu (2012: 84-5) characterized labor protest before 1994 as pre-class conscious because "the best that workers in such circumstances can do to protest their conditions is to nurture seeds of individual hidden resistance."

The year 1994 witnessed the passage of China's first Labor Law, which took effect in 1995. Examining labor unrest in the late 1990s and early 2000s, Lee (2007) found that legalism was central to the thinking of migrant workers South China, who were awakened by their legal entitlements, resorted primarily to legal mechanisms to seek redress and staged public disruption if the official channels failed. Although SOE workers also launched sweeping protests against privatization and the subsistence crisis in this period, these protests were mainly based on the breach of the social contract between state and labor before the economic reform and did not attempt to make common cause with rural migrant workers (Lee 2007; Chen 2006; Chen and Tang 2013). For rural migrant workers in the rising private sector, Lee also noted Chinese workers' lack of marketplace, workplace or associational bargaining power due to the large labor supply, the prevalence of unskilled and low wage jobs, and the nonexistence of independent unions (2007:24). Lee also noted workers' lack of external support from labor NGOs.

Studying strikes from 2004 to 2009, when there was a shortage of skilled workers in coastal areas, C. Chan (2009, 2010a: 73-4) observed that workers' went on strike for interest-based issues beyond the limits of the law, that workers learned from past experiences and that they became strategically more sophisticated over time. Their protests forced the Chinese government to improve worker's legal protection mechanisms. Chan (2010b) highlighted several strikes in this period in which workers began walking out to the highway to attract public attention and state intervention. Nonetheless, echoing Lee (2007), C. Chan (2010b) also noted Chinese workers' weak associational power and absence of external support, from either the ACFTU or from internationally-supported labor NGOs.

The Nanhai Honda Strike, which occurred in Foshan city in May 2010, was considered by a number of scholars as a watershed strike. It is memorable for its demand for a wage hike, the democratic election of a workplace union committee and its ripple effect that triggered a wave of strikes (C. Chan 2013; C. Chan and Hui 2012, 2014; Meng and Lu 2013). The work stoppage involved approximately 1,800 auto workers and lasted for 17 days. Although the strike was resolved through a high profile collective negotiation between management and worker representatives, who were assisted by a professor, it was managers who initiated a democratic election across the departments wherein 30 strikes representatives were elected (C. Chan and Hui 2014: 230). One day later, the representatives negotiated with management in the presence of government officials, and they reached a settlement.

Moving beyond management- or local government- initiated worker organizing, Leung (2015) presented another major detailed study of workers' voluntary organizing that was based mainly on his fieldwork from 2009 to 2011 in the jewelry industry in Guangzhou city. Leung elucidated the backgrounds and organizing mechanisms of worker activists who covertly coordinated strikes. He referred to the various forms of power that resulted from workers' voluntary informal organizing as an informal agency power. Despite his emphasis on workers' agency power, Leung (2015:11) admitted that strikes were weak in formal leadership, without a worker representation body, and they were usually not sustained. Leung argued that the lack of worker leaders among migrant workers restricted their struggle from growing into an organized labor movement (2015:118).

My research on labor NGO activities and labor protest from 2011 to 2014 documents and analyzes the transformation of several labor NGOs into a movement-oriented organizations and the development of workers' voluntary, overt organizing. Facilitated by movement-oriented labor NGOs and by the mechanism of worker-led collective bargaining, Chinese workers were able to coordinate a sustained protest to win concessions from employers and to press local governments to enforce laws. This development manifested embryonic forms of Chinese workers' associational power, which most scholars considered to be impeded by China's restrictive institutional environment, not least by the non-representative official unions. According to Wright (2000:962), who defined associational power as "the various forms of power that result from the formation of collective organizations of workers", a worker organization "includes such things as unions and parties but may also include a variety of other forms, such as works council...or even, in certain circumstances, *community organizations*." (emphasis added). Silver (2003:13) also took a broad view of the forms of worker organization in her conceptualization of associational power, which, She argues, stems from workers' self-organization into trade unions, political parties, and other collective organizations. It could be the case that Chinese workers' associational power is not based upon the official trade unions or upon the establishment of autonomous unions. Instead, labor NGOs or other community organizations may serve as the organizational vehicle for many Chinese workers. Indeed, as demonstrated by the dozens of strikes coordinated by labor movement NGOs over the past four years, these NGOs became network centers that linked various groups of worker protest leaders from a variety of enterprises. Thus,

my study has documented the formation of Chinese workers' associational power over the past few years.

In fact, Chinese rural migrant workers were not alone in experimenting with different forms of organization, commitment, and collective action. As noted by Heckscher and McCarthy (2014) in their research on collective action in post-industrial societies, solidarity has evolved through craft and industrial versions to the emergence of collaborative solidarity from the increasingly fluid "friending" relationships of recent decades. Heckscher and McCarthy's analysis of several movements revealed mechanisms, which are different from traditional union mobilizations, that have shown power by utilizing transient solidarity, by coordinating groups with different foci and skills and by launching swarming actions. Another example of different forms of organization and arena of contestation is Fine's (2005,2006) study of modest-sized community-based organizations of low wage workers that succeeded in raising wages and improving working conditions via public policy in the United States. Labor is also exploring different sources to rebuild workers' associational power while confronting globalization and the precarization of work, as shown by Chun's (2009) investigation of strategies to leverage symbolic power among janitors and personal service workers in the United States and South Korea. Different groups of workers engage in different politics, as constrained by historical circumstances.

Chinese labor activists and workers improvised forms of associational power predicated on Chinese local circumstances. The forms of labor protests were shaped by political factors, such as labor legislation and state regulation of production and reproduction, economic factors, such as economic cycle and changes in the labor market,

and social factors, which include native place and generational characteristics and the diverse cultures of the workforce (Lee 2007; C. Chan and Pun 2009; Pun et al. 2010; Elfstrom and Kuruvilla 2014). However, these factors did not determine the forms of labor activism. The current form of self-organization on the part of labor—labor movement NGOs, worker protest leader-centered networks and the repertoire of worker-led collective bargaining—reflected Chinese labor activists and workers’ strategic agency, which effectively exploited limited resources to effect social change in an unfavorable environment.

Although it could be difficult to pinpoint exactly why certain actors in the international labor advocacy network began to support collective bargaining in China after 2010, given that many of these organizations still relied on external pressure rather than on local mobilization to address workers’ grievances (Friedman 2009), the timing and form of the emergence of this particular type of worker organizing may derive from labor activists’ and migrant workers’ evolutionary learning, which enhanced their strategic agency. The change from a reliance on legalistic contention in the late 1990s and early 2000s (Lee 2007), as well as the mixed demands and blended tactics in the first decade of this century (C. Chan 2010) to the current form of organized protest may have resulted from informed disillusion with the institutionalized labor dispute resolution mechanisms, or it may have occurred because workers learned from others in the local labor NGO community. Indeed, Gallagher’ (2006) research on legal aid plaintiffs in Shanghai showed that they entered the legal process with high expectations and a vague knowledge of the legal procedures, but became disenchanted with the fairness and effectiveness of the legal system after a firsthand experience with it. The new Labor Law

in 1995 may have first encouraged labor NGOs and workers to utilize the legal system, but it subsequently prompted them to take more critical actions as a result of informed disenchantment.

Another learning outcome that contributed to strategic labor agency in a hostile environment was the formation of the effective boundary-spanning contention, actions that sit near the ambiguous boundary between official politics and politics by other means (O'Brien 2003). Boundary-spanning contention is not prescribed or forbidden, but is tolerated by some officials while it may not be tolerated by others (ibid: 53). As Chinese labor NGOs and workers explored critical actions after their informed disenchantment, some experimented with various methods, including establishing or reforming workplace unions or independent worker association. Both strategies presented formidable risks. After many trials, worker-led collective bargaining proved to be a viable boundary-spanning contention that could be tolerated by some government officials and that could develop workers' collective power to advance workers' interests at the same time. As indicated, political space and resources combined to affect the particular manifestation of strategic labor agency.

The bulk of my empirical evidence originated from Pearl River Delta in south Guangdong. It was not my original intention to focus on Pearl River Delta, although it was an attractive site on which several important books had focused (Lee 2007; C. Chan 2010; Leung 2015). Because of its importance in the literature, I first visited Shenzhen with the hope of establishing initial contacts and then broadening my network through snowball ties. However, I remained in Shenzhen and Guangzhou for the majority of my fieldwork because these cities were at the forefront of the recent labor activism. Only

limited sparks of labor movement NGOs and worker-led collective bargaining spread to other regions, including Yantai city of Shandong province, where one labor movement NGO was located. Consequently, although my evidence was confined mainly to Guangdong, the novelty of this phenomenon represents a story of recent development in Chinese labor activism.

The proximity to Hong Kong and the local government's policy of industrial upgrading in Guangdong may explain the prominence of worker-led collective bargaining initiatives in the Pearl River Delta rather than in other regions. First, Hong Kong's vibrant civil society served as the offshore free space for Chinese activists and the platform for information and the circulation of financial resources (Hung and Ip 2012). In fact, over one third of Chinese grassroots labor NGOs relied primarily on funding from intermediary NGOs and funders located in Hong Kong. Nine of the ten labor movement NGOs located in Guangdong and eight of these nine NGOs were supported by NGOs from Hong Kong. The geographical proximity facilitated communication and the transmission of resources between NGOs in Hong Kong and those in the Pearl River Delta. The proliferation of labor NGOs in Shenzhen and Guangzhou, two cities adjacent to Hong Kong, in turn supplied more resources to the migrant workers in this region than those in other regions.

A second factor that expanded the political space for labor activism in the Pearl River Delta is the Guangdong provincial government's policy of upgrading its industrial base beginning in 2008 by encouraging low end manufacturing factories to relocate to other poor cities of Guangdong or to other provinces. Consequently, local government officials were less inclined to collude with employers, particularly those who owned low end

factories or were planning to relocate. Local government officials were not highly motivated to suppress labor unrest, particularly during exit conflicts between strikers and relocating factory owners. In fact, stability maintenance officials were present at many strikes; however, they mainly stood by and intervened only when physical conflict or road blockage occurred.

The resources that result from Guangdong's proximity to Hong Kong and the expanded political space in the Pearl River Delta are factors that are unlikely to be replicated elsewhere in China in the near future. Although several coastal cities, for instance Shanghai, also implemented industrial upgrading policies, they lacked civic resources, such as a group of labor movement NGOs. For inland provinces, local governments are competing for inward investment and are eager to make promises to potential investors, just as local government in the Pearl River Delta did two decades ago. However, since then, the Pearl River Delta local governments' promises to employers and their tolerance of the selective enforcement of labor laws became important stimuli of labor unrest in the past few years. Workers who were denied social insurance or who received lower standards of social insurance contributions learned about their legal entitlements from their managers who enjoyed them, they began to protest. As a result, although worker-led collective bargaining may not spread to other parts of China in the next few years, the dynamics of capital mobility and local government adaptability do not preclude that it will become a weapon deployed in organizing worker protests in inland regions in the future.

The current confinement to Pearl River Delta would not preclude worker-led collective bargaining initiatives to have widespread repercussions for the development of

industrial relations frameworks across China. The significant political ramifications of labor unrest in a critical region for national labor politics has been demonstrated convincingly by Perry's (1993) analysis of the influence of labor movement in Shanghai, the nation's then industrial capital, in heralding major shifts in national politics from the 1920s to 1940s. As the current state is taking an experimental, gradualist, and decentralized approach to reform of the system of labor relations, models that proved successful could be promoted throughout the country (Friedman and Kuruvilla 2015:182). As Pearl River Delta has been the region which witnessed the bulk of strikes in the country, the patterns of interaction among the government, union, workers, and labor NGOs evolved in this local setting could set examples for other regions.

The future of this fledgling worker-led collective bargaining movement is, of course, impossible to predict with confidence. Certainly, thousands of workers have participated and learned this boundary-spanning repertoire of contention over the past five years. This repertoire, namely electing protest leaders, concerted collective action and bargaining, has spread among the rural workers who make up the regime's labor force. To further develop into a full-brown labor movement in Guangdong or China, labor needs to confront three cores obstacles that result from employer resistance and government repression. One key threat is managerial retaliation against worker protest leaders without whom worker-led collective bargaining dissolves. Existing cases showed the precarious situation of worker protest leaders who were subject to managerial retribution without institutional protection. One of the labor movement NGOs' counter strategies has been the enterprise unions which enjoy institutional protection. This strategy relates to the second key threat: the official system's exclusion of labor movement NGOs' involvement

after government intervention. Once officials have taken over disputes, they have tended to persuade or mandate workers to sever connections with labor movement NGOs. They do so because they enjoy more power within the institutionalized channels, including the official workplace union. On several occasions, the officials have deprived the workers of support from labor movement NGOs, which is a crucial source of encouragement for worker leaders and workers. The officials' interventions have threatened the sustainability of worker-led collective bargaining in the workplace. A third threat is a potential step-up of the state repression of labor movement NGOs. This activity may, on the one hand, eradicate one key support for worker-led collective bargaining, and it may send threatening signals to workers on the other, thereby dampening the fledgling movement.

The responses of the state and employers to the nascent bottom-up worker-led collective bargaining movement influence the latter's future direction. Threats also bring opportunities. Dismissing worker leaders may produce more stubborn labor activists, some of whom may become full-time labor movement NGO staff who make labor activism their vocation. In addition, company or government's failure to recognize worker leaders may result in constant disorder in the workplace, which may prove costly for government officials and employers. If this situation were to arise, leaders and workers might have to strike whenever grievances emerge without a stable collective bargaining mechanism. Dismissal, to the extent that it deters the emergence of formal worker leaders, could lead to more collective bargaining by rioting. The threat of disorder may constitute an counter-check on the dismissal of worker leaders. Moreover, certain

labor movement NGOs are attempting to remedy loopholes in the legal system and advocate for the institutional protection of worker leaders.

The political constraints center on the interactions between the official system and bottom-up labor activism; the official system may isolate or eradicate networked grassroots NGOs. Current worker-led collective bargaining cases indicate that workers' trust is the critical factor that impacts the future trajectory. Government officials and the legal system initially enjoy legitimacy among workers. In the cases documented here, these officials, with their authority and rich resources, successfully took over some disputes. However, they lost workers' trust once their concern for social stability and economic development overrode their concern for workers' interests. Disillusionment with the official system was one important factor that prompted workers to pursue alternatives. The government officials attempted to co-opt workers, whereas the labor movement NGOs attempted to support workers. It is the workers who choose their allies. The impact of labor movement NGOs mainly derives from workers' trust or their capability to mobilize workers. They do not rely on formal registration; indeed, many grassroots labor NGOs are not registered. They may not rely on acting as formal organizations. This deprives government officials of one important tool to repress the NGOs.

The government may also restrict foreign funding to the labor movement NGOs by limiting the entrance of foreign foundations. This may reduce the scale of NGOs, but it could not eradicate them. These mobilization-oriented activists could still organize workers as underground leaders or part-time workers.

In short, the political space affects the scale and form of the strategic agency manifested by Chinese labor activists and workers. Given China's authoritarian labor

regime, Chinese activists and workers improvise in the unclear boundary between what is tolerated and what is forbidden. An expanded political space may allow the fledgling movement to develop in terms of a growing number and size of labor movement NGOs, more organized protest in factories, and more campaigns for labor rights. A tightened political space may confine the number of labor movement NGOs and worker-led collective bargaining initiatives to industrial towns within Pearl River Delta. However, stifling State suppression may not put an end to these bottom-up initiatives, although it may change the manifestations of the strategic agency of Chinese labor activists and workers.

The Chinese government appeared to take a repressive stance by arresting six labor NGO leaders and staff members in Guangzhou and Foshan in December 2015. Several labor movement NGO leaders and staff were under house arrest for a few weeks. Because the government targeted two labor NGOs in this move, it was not clear whether this action is part of a systematic plan to suppress labor movement NGOs. Nevertheless, this act of repression has not deterred the remaining labor NGOs from operating. Increased and widespread repression might channel labor's strategic agency into low profile solidarity-building activities or underground organizing.

Appendix A: Name and Background Information on 100 Chinese Labor NGOs

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
1	Beijing Action for Community Sisters	Beijing shequ Jiemeixing	1996	Scholar	Beijing	Recreational/ cultural
2	Beijing Women Migrant Workers' Home	Beijing dagongmei zhijia	1996	News paper editor	Beijing	Recreational/ cultural
3	Women Worker Service Center	Nanshanqu nvzhigong fuwu zhongxin	1996	Scholar	Guangdong, Shenzhen	Recreational/ cultural; closed
4	Legal Clinic at East China Univ. of Politics and Law	Huadong zhengfa daxue falv yuanzhu zhongxing	1997	Scholar	Shanghai	Legal aid
5	Panyu Migrant Worker Service Center	Panyu dagongzu fuwubu	1998	Paralegal	Guangdong, Guangzhou	Labor Movement
6	Little Bird Migrant Worker Mutual Help Hotline	Xiaoxiaoniao dagong huzhu rexian	1999	Migrant worker	Beijing	Legal aid
7	Shenzhen Migrant Worker Center	Shenzhenshi dagongzhe zhongxin	2000	Migrant worker (injured)	Guangdong, Shenzhen	Legal aid & Labor Movement
8	Little Chen Hotline	Qingdao xiaochen rexian	2000	Migrant worker	Shandong	Recreational/ cultural
9	The Institute of Contemporary Observation	Shenzhen Dangdai shehui guancha yanjiusuo	2001	Journalist	Guangdong, Shenzhen	Recreational/ cultural
10	Self-Empowering Service Center for Disabled	Zhongxian ziqiang canjiren fuwuzhan	2002	Migrant worker (injured)	Chongqing	Recreational/ cultural
11	Beijing Migrant Worker Center	Beijing gongyou zhijia	2002	Migrant worker	Beijing	Recreational/ cultural
12	Migrant Worker Art Troupe	Zhongshan sanxiang dagong yishutuan	2002	Migrant worker	Guangdong, Zhongshan	Recreational/ cultural
13	Labor Rights Service Center	Daxian minzhong laogong quanyi fuwubu	2002	Lawyer	Guangdong, Dongguan	Legal aid
14	Legal Clinic at Sun Yat- sen Univ.	Zhongshan daxue falv zhensuo	2002	Scholar	Guangdong, Guangzhou	Legal aid
15	South China Labor Rights Service Center	Guangzhou nanhua laogong fuwubu	2002	Lawyer	Guangdong, Guangzhou	Legal aid
16	Little Grass Migrant Workers' Home	Shenzhen xiaoxiaocao gongyou zhijia	2003	Migrant worker	Guangdong, Shenzhen	Labor Movement
17	Beijing Cultural Communication Center for Facilitators	Beijing Xiezuoze wenhua chuanbo zhongxin	2003	Journalist	Beijing	Recreational/ cultural
18	Shenzhen Migrant Worker Association	Shenzhen wailaigong xiehui	2003	Migrant worker(injured)	Guangdong, Shenzhen	Legal aid; closed

Appendix A cont.

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
19	Spring Wind Labor Dispute Service Center	Shenzhenshi chunfeng laodong zhengyi fuwubu	2004	Migrant worker(injured)	Guangdong, Shenzhen	Labor Movement
20	Friends Alliance Book Center	Youlian shequ shuwu	2004	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
21	Huizhou Cultural Dissemination Corporation	Huizhou qiancheng wenhua chuanbo youxian gongsi	2004	Migrant worker	Guangdong, Huizhou	Recreational/ cultural
22	Candlelight Public Interest Service Center	Dongguanshi zhuguan gongyi fuwu zhongxin	2004	N.A	Guangdong, Dongguan	Recreational/ cultural
23	Worker Fellowship Service Center	Gongyou lianyihui fuwu zhongxin	2004	Migrant worker	Guangdong, Guangzhou	Recreational/ cultural
24	Health and Safety Information &Counselling Service	Ankang xinxi zixun fuwu	2004	Migrant worker(injured)	Guangdong, Guangzhou	Recreational/ cultural
25	Labor Research and Service Center at Sun Yet-Sen Univ.	Zhongshan daxue laogong yanjiu yu fuwu zhongxin	2004	Scholar	Guangdong, Guangzhou	Recreational/ cultural
26	Zhujiang Worker Service Center	Zhujiang gongyou fuwu zhongxin	2004	Entrepreneur	Guangdong, Guangzhou	Legal aid
27	Laowei Law Firm	Guangdong laowei lvshi shiwusuo	2005	Lawyer	Guangdong, Shenzhen	Labor Movement
28	Xinchen Workers' Home	Xinchen gongyou jiayuan	2005	Migrant worker	Hubei	Recreational/ cultural
29	United Heart Home Of Hope	Tongxin xiwan jiayuan wenhua fazhan zhongxin	2005	Migrant worker	Beijing	Recreational/ cultural
30	Shenzhen Rural Migrant Worker Mutual Help Association	Shenzhen nongmingong huizhuhui	2005	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural; closed
31	Good Heart Occup. Safetey Information Counselling Company	Aixin zhi'an xinxi zixun youxian gongsi	2005	Migrant worker(injured)	Guangdong, Shenzhen	Recreational/ cultural
32	Qingdao New Citizens' Home	Qingdao xinshiming zhijia	2005	Migrant worker	Shandong	Recreational/ cultural
33	Beijing Rural Migrant Worker Legal Aid Center	Beijing zhicheng nongmingong falv yuanzhu zhongxin	2005	Lawyer	Beijing	Legal aid
34	Little Bird Hotline Shenzhen Office	Xiaoxiaoniao shenzhen bangongshi	2006	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural; closed in 2014
35	Little Bird Hotline Shengang Office	Xiaoxiaoniao shenyang bangongshi	2006	Migrant worker	Liaoning	Recreational/ cultural

Appendix A cont.

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
36	Beijing On Action	Beijing zaixingdong wenhua zhongxin	2006	Migrant worker	Beijing	Recreational/ cultural
37	Fellow Worker Mutual Help Center	Gongyou huzhu zhongxin	2006	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
38	Friends Protection Worker Service Center	youwei gongyou quanyi weihui zhongxin	2006	Migrant worker (injured)	Guangdong, Dongguan	Legal aid
39	Uprooted Migrant Workers' Service Center	Shenzhen renzai taxiang laowugong fuwubu	2006	Migrant worker	Guangdong, Shenzhen	Legal aid
40	Good Heart Home	Shenzhen baoan dalang aixin zhijia	2007	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
41	Stand Up Community Labor Service Center	Fanshen shequ laogong quanyi fuwubu	2007	Social worker	Guangdong, Shenzhen	Recreational/ cultural; closed
42	Circle Point Worker Service Center	Shenzhen yuandian gongyou fuwubu	2007	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
43	Xiamen Workers' Home	Xiamen guoren gongyou zhijia	2007	Scholar	Fujian	Recreational/ cultural
44	Guihua Community Labor Service Center	Guihua shequ laogong quanyi fuwubu	2007	Social worker	Guangdong, Shenzhen	Recreational/ cultural; closed
45	Inno Community Development Organisation	Yingnuo shequ fazhan jigou	2007	N.A.	Guangdong, Guangzhou	Recreational/ cultural
46	Nanjing Cultural Communication Center for Facilitators	Nanjing xiezuo zhe	2007	Journalist	Jiangsu	Recreational/ cultural
47	Holding Hands Worker Center	Shenzhen shouqianshou gongyou huodongshi	2007	Migrant worker (injured)	Guangdong, Shenzhen	Recreational/ cultural
48	Mutual Help Center for Disabled	Liangping weichen canjiren huizhuzhan	2007	Migrant worker (injured)	Chongqing	Legal aid
49	Legal Clinic of Nanjing Univ. at Nanjing	Nanjing daxue falv yuanzhu zhongxin	2007	Scholar	Jiangsu	Legal aid
50	Migrant Worker Legal Counselling Center	dagongzhiyou falv zixun fuwu zhongxin	2007	Migrant worker	Beijing	Legal aid
51	Four Seas Worker Service Center	Shenzhenshi sihai gongyou fuwubu	2007	Migrant worker	Guangdong, Shenzhen	Legal aid
52	Beijing Yilian Labor Legal Aid Center	Beijing yilian laodong falv yuanzhu zhongxin	2007	Lawyer	Beijing	Legal aid

Appendix A cont.

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
53	Red Flower Worker Assistance Organization	Shenzhen honghuacao gongren bangfu jigou	2008	Urban migrant worker	Guangdong, Shenzhen	Labor Movement
54	Zhongshan Migrant Worker Service Center	Zhongshan dagongzu fuwubu	2008	Migrant worker (injured)	Guangdong, Zhongshan	Labor Movement; merged with Panyu in late 2013
55	Raindrops On Action	Shenzhen yudian zaixindong	2008	Migrant worker (injured)	Guangdong, Shenzhen	Recreational/cultural
56	Beijing On Action Suzhou Office	Zaixingdong suzhou bangongshi	2008	Migrant worker	Jiangsu	Recreational/cultural
57	Xi'an Workers' Home	Xi'an gongyou zhijia	2008	Migrant worker	Shaanxi	Recreational/cultural
58	Green Grass Worker	Shenzhen qingcao	2008	Migrant worker	Guangdong, Suzhou	Recreational/cultural
59	Suzhou Workers' Home	Suzhou gongyou jiaoyuan	2008	Migrant worker	Jiangsu	Recreational/cultural
60	Hangzhou grassroots home	Hangzhou caigen zhijia	2008	Migrant worker	Zhejiang	Recreational/cultural
61	Zhuhai Cultural Communication Center for Facilitators	Zhuhai shi xiezuo zhe shehuigongzuo tuiguang zhongxin	2008	Journalist	Guangdong, Zhuhai	Recreational/cultural
62	Museum of Migrant Work's Culture and Art	Dagong wenhua yishu bowuguan	2008	Migrant worker	Beijing	Recreational/cultural
63	Occupational Disease Interest Group	Shenzhen zhiyebing guanzhu xiaozu	2008	Journalist	Guangdong, Shenzhen	Recreational/cultural
64	New Dongguan Citizen Service Center	Dongguanshi xinguanren fuwubu	2008	Migrant worker	Guangdong, Dongguan	Legal aid; closed
65	Shiyan Rural Migrant Workers' Rights-Defense Service Center	Shiyanshi qingtian nongmingong weiquan fuwu zhongxin	2008	Migrant worker	Hubei	Legal aid
66	Jiayang Worker Rights-Defense Research Center	Jiayang gongren weiquan diaoyan zhongxin	2008	N.A.	Beijing	Legal aid
67	Olewo Workers Assistance Center	Aoliwei gongyuan zhongxin	2009	Urban worker	Shandong	Labor Movement
68	Dongguan Worker Culture Service Center	Dongguan gongyou wenhua cehua fuwubu	2009	Migrant worker	Guangdong, Dongguan	Recreational/cultural
69	Suburban Villages Information Counselling Corporation	Beijing chengbiancun xinxi zixun gongsi	2009	N.A.	Beijing	Recreational/cultural
70	Goose Flying South Worker Social Work Service Center	Foshan nanfeiyan shegong fuwu zhongxin	2009	Migrant worker (injured)	Guangdong, Foshan	Recreational/cultural

Appendix A cont.

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
71	Renjian Culture Development Center	Beijing xingzairenjian wenhua fazhan zhongxin	2009	Scholar	Beijing	Recreational/ cultural
72	Worker College	Beijing tongxin chuanye peixun zhongxin	2009	Migrant worker	Beijing	Recreational/ cultural
73	Little Fish Worker Service Center	Xiaoxiaoyu laogong fuwubu	2009	Migrant worker (injured)	Zhejiang	Legal aid
74	Huimin Culture Service Center	Zunyi huimin wenhua fuwubu	2010	Migrant worker (injured)	Guizhou	Recreational/ cultural
75	Mulan Community Center	Mulan shequ huodong zhongxin	2010	Migrant worker	Beijing	Recreational/ cultural
76	Bricks and Tiles Culture Development Center	Beijing yizhuan yiwa wenhua fazhan zhongxin	2010	Researcher	Beijing	Recreational/ cultural
77	Tianjian Guoren Workers' Home	Tianjing guoren gongyou zhijia	2010	Scholar	Tianjin	Recreational/ cultural
78	Dongguan New Workers' Service Center	Dongguan xingongren fuwubu	2010	Migrant worker (Master degree)	Guangdong, Dongguan	Legal aid
79	Legal Clinic of Nanjing Univ. Kunshan Office	Nanjing daxue fakv yuanzhu kunshan bangongshi	2010	Scholar	Jiangsu	Legal aid
80	Wisdom Legal Aid Center	Jiangsu weishide gongyi weiquan fuwu zhongxin	2010	Lawyer	Jiangsu	Legal aid
81	Little Bird Shanghai Office	Xiaoxiaoniao shanghai bangongshi	2011	Migrant worker	Shanghai	Recreational/ cultural; closed in late 2013
82	Times Female Worker Service Center	Shidai nvong fuwubu	2011	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
83	Changsha Friends of Workers Service Center	Changsha gongzhiyou fuwubu	2011	Migrant worker	Hunan	Recreational/ cultural
84	Dandelion Mutual Help Center for Disabled	Pugongyin canjiren huzhuzhan	2011	N.A.	Guangdong, Heyuan	Recreational/ cultural
85	Blue Labor Cooperation	Dongguan lanyi gongren hezuoshe	2011	Journalist	Guangdong, Dongguan	Recreational/ cultural
86	Linked Heart Nest	Shiyan xinlianxin caowo	2012	Migrant worker	Guangdong, Shenzhen	Recreational/ cultural
87	On Action Wuhan Office	Wuhan zaixindong gongren zhongxin	2012	Migrant worker	Hubei	Recreational/ cultural
88	Labor Mutual Help Cooperation	Laogong huizhu hezuoshe	2012	N.A.	Yunnan	Recreational/ cultural
89	Lake Community School	Qinghui shequ xuetang	2012	Scholar	Guangdong, Shenzhen	Recreational/ cultural

Appendix A cont.

	Name of labor NGO (English)	Name of labor NGO (Chinese Pinyin)	Birth Year	Founder Background	Location	Types of Main activity in 2013-4
90	Yimin Social Work Service Center	Shenzhen	2012	Journalist	Guangdong, Shenzhen	Recreational/cultural
91	Sunflower Female Worker Center	Guangzhou xiangyanghua nvgong zhongxin	2012	Migrant worker	Guangdong, Guangzhou	Labor Movement
92	Virtue Yonth Service Center	Zhuhai dexing qingshaonian shehui fuwuzhongxin	2013	Entrepreneur	Guangdong, Zhuhai	Recreational/cultural
93	Committed to Building Civil Society	Changsha zhigongming	2013	N.A.	Hunan	Recreational/cultural
94	Shenzhen Yilian Labor Protection Center	Shenzhen yilian laodong baozhang fazhan zhongxin	2013	Lawyer	Guangdong, Shenzhen	Legal aid; closed in 2014
95	Wider Volunteer Legal Service Center	Weide zhiyuan falv fuwu zhongxin	2013	Lawyer	Guangdong, Shenzhen	Legal aid
96	Brother Hai Worker Service Center	Haige laogong fuwubu	2014	Migrant worker	Guangdong, Guangzhou	Labor Movement
97	New Work Art	Xingongyi	2014	Migrant worker (injured)	Guangdong, Shenzhen	Labor Movement
98	Beijing Mingde Institute of Labor Relations and Employment	Beijing mingde laodongguanxi yu jiuye yanjiusuo	2014	Lawyer	Beijing	Recreational/cultural
99	Zhuhai Migrant Workers' Home	Zhuhai yidi gongyou zhijia	2014	Entrepreneur	Guangdong, Zhuhai	Recreational/cultural
100	Yangyang Migrant Worker Service Center	Yangyang dagong fuwubu	2014	Migrant worker	Liaoning	Legal aid

Source: Author's fieldwork, online research, and reference to two prior publications:

2008. "Rural Migrant Workers Organizations and Global Labor Solidarity Networks—

A Survey of Rural Migrant Workers' Organization in PRD." *Survey World* 5: 22–25. (in Chinese)

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Appendix B: Labor Movement NGOs and Related 42 Collective Protests in PRD (2011-2)

Time	Company name	Key trigger or grievances	Workers involved	Contention Tactics	Outcome	Firing or Arrest?	Nurture/Steer solidarity	Labor NGOs involved
2011.5	Hengbao Jewelry	Pension	127	Collective request & hostage top manager	Gain	2 detained	Nurture	Panyu Center & Laowei
2011.9	BYD Auto	Laid-off	100 +	CB & protest	Gain	No	Steer	Laowei
2011.11	Citizen watch Guanxing	Change wage system & overtime pay arrear	1200	strike & CB	Gain	No	Steer	Laowei
2012.5	Shiqiao Sanitation	Social insurance	63	CB & strike	Gain	No	Nurture	Panyu Center & Laowei
2012.6	Panhua Jewelery	Boss flee & wage arrears	dozens	CB	Gain	No	Nuture	Panyu Center & Laowei
2012.7	Gaoya jewelry	Social insurance etc.	100 -+	CB over 1 year	Gain	19 fired	Nurture	Panyu Center & Laowei
2012.9	Xiaolan public bus	Overtime pay etc	150	Strike, negotiate; NGO helps set up union	Gain	1 Fired	Steer & nurture	Zhongshan Center & Laowei
2012.12	Gangqiao toll collection	Laid-off	250	Petition, sit-down protest, CB	Gain	No	Nurture	Panyu Center
2012.12	Gaobao jewelry	Forced laid-off	dozens	CB	Gain	No	Nurture	Panyu Center

Source: author's fieldwork and cases listed in: Duan, Yi, and Qi Li. 2014. "The Generation, Development, and Maturity of Collective Labor Relation in China: A Bottom-Up Analytical Perspective." *Human Resource Development of China* 317 (23): 94–104.

Appendix B cont. Labor Movement NGOs and Related 42 Collective Protests in PRD (2013)

Time	Company name	Key trigger or grievances	Workers involved	Contention Tactics	Outcome	Firing or Arrest?	Nurture/Steer solidarity	Labor NGOs involved
2013.1	Sanhe jewelry	Laid-off	40+	CB	Gain	No	Nurture	Panyu Center
2013.2	International paper	Year-end bonus	200 +	Strike	No	5 fired	Distrusted steer	Panyu Center & Laowei
2013.3	Jingmi molding	Relocation & severance pay	100 +	Innitiated union organizing then petition & negotiate	Gain	No	Nurture	Migrant Worker Center
2013.3	Yonglong toys	Relocation & social insurance	300	CB	Gain	No	Nurture	Sunflower
2013.4	Qinyi jewelry	Merger	100	CB & petition	Gain	No	Nurture	Panyu Center
2013.4	Perfetka toys	Pension	1000	CB & Strike	Limited	No	Nurture	Little Grass & Laowei
2013.4	Hitachi Metals	Housing fund etc.	100	Attempted CB & union organizing	Partial	1 fired	Nurture	Sunflower
2013.5	Luenshing molding	Change wage system & laid-off	300	CB, strike, petition	Gain	2 arrested	Nurture	Panyu Center
2013.5	Maintown Ltd	Reduce midnight snack	200	Strike & attempted CB	Limited	No	Failed nurture (by Security agency)	Panyu Center
2013.5	GZ Univ. hospital sanitation and guardes	Laid-off & social insurance	100	CB, protest, petition	Partial	12 detained	Steer & nurture	Panyu Center & Laowei
2013.5	Diweixi furniture	Relocation	450	Strike, CB, petition,& block road	Limited	3 detained	Nurture	Little Grass & Laowei
2013.6	Foshan jewelry	Relocation	59	CB & strike	Gain	No	Nurture	Panyu Center
2013.7	Xinxing textile	Laid-off	106	CB & protest	Partial	A few arrested	Nurture	Spring Wind
2013.9	Sumida	Pension	1300	CB & union organizing	Gain; union partial	a few fired	Nurture	Sunflower
2013.11	Nokia Dongguan	Acquisition	3000	Strike	No	5 arrested; 200 fired	Distrusted Steer	Spring Wind
2013.11	ASM Shenzhen	Raise wage	5000	Strike & CB	Gain	a few fired	Nurture	Red Flower & Grass

Appendix B cont. Labor Movement NGOs and Related 42 Collective Protests in PRD (2014)

2014.2	Juxin jewelry	Laid-off	30	CB	Gain	No	Steer	Panyu Center
2014.3	IBM Shenzhen	Acquisition	1000	Strike	No	20 fired	Failed steer (by City FTU)	Spring Wind & Laowei
2014.4	Yue Yuan shoes	Pension	40000	Strike	Limited	No	Failed steer (by Security agency etc)	Spring Wind & Laowei
2014.5	Grosby shoes	Firm upgrading	500	Strike, CB, restructure union	No	2 arrested & 109 fired	Steer	Laowei
2014.7	GZ military region hospital sanitation	Social insurance etc.	97	CB & protest	Gain	No	Nuture	Panyu Center
2014.7	Walmart 0123 store	Closure	70+	CB & protest	No	No	Steer	Panyu Center
2014.7	Qilitian golf equipment	Social insurance etc.	500	CB & strike	Gain	1 fired	Nurture	Little Grass & Spring Wind
2014.7	Meixing hotel	Closure	dozens	CB & strike	Gain	No	Nurture	Brother Hai
2014.6	Power-One electronics	Social insurance and housing fund	500	Strike & CB	Gain	No	Steer	Spring Wind
2014.8	College town sanitation	Laid-off	200	CB, strike, protest	Gain	No	Steer	Panyu Center
2014.8	Xing'ang shoes	Relocation	100	CB	Gain	No	Steer	Spring Wind & Laowei
2014.9	Xinsheng jewelry	Relocation	117	CB, strike, & petition	Partial	7 detained	Nuture	Brother Hai
2014.9	Lide shoes	Relocation & social insurance	2500	CB & strike	Gain	No	Nurture	Panyu Center
2014.9	SZ Hengbao shoes	Relocation	30	CB	Gain	No	Steer	Brother Hai
2014.9	Gongming Sanitation	Privatization	75	Strike, block road, & CB	Gain	No	Steer	Laowei
2014.11	Xinli shoes	Social insurance etc.	300 +	CB & strike	Partial	10 fired	Steer	Spring Wind
2014.12	Qingsheng leatherware	Pension & housing fund etc	1000	CB & Strike	Partial	24 arrested	Nuture	New Work Art & Laowei

Appendix C. Backgrounds of Selected 40 Worker Protest Leaders

Factory name	Worker leader code	Year born	Gender	Tenure at the		Native Province
				Firm	Job	
Hengbao jewelry factory	CMJ (chief)	1976	M	10	EXperienced manual worker	Guangdong, Panyu
	ZHZ	1982	F	10	EXperienced manual worker	Guangdong,Panyu
	HHQ	1975	M	11	EXperienced manual worker	Guangdong,Qingyuan
	MA	1982	M	9	EXperienced manual worker	Guangxi,Binyang
Gaoya jewelry factory	HXJ (chief)	1983	F	12	Foreman	Guangdong,Shaoguan
	ZWN	1984	F	11	EXperienced manual worker	Guangdong,Zhaoqin
	LXL	1985	F	7	EXperienced manual worker	Guangdong,Shaoguan
	CML	1983	F	13	Former foreman current worker	Guangdong,Qingyuan
Diweixin furniture factory	WGJ(chief)	1972	M	9	Draft technician	Hunan, Changde
	NL	1980	M	15	Team leader	Sichuan, Zigong
	FG	1967	M	9	Team leader	Sichuan,waxian
	DCP	1970	M	13		Sichuan, Zigong
Guangzhou C.M. Univ. hospital	GSK	1979	M	9	Team leader	Guangxi,Liuzhou
	MH(chief)	1964	M	3	Security guard	Hubei, Yichang
	OGL	1979	M		Security guard	Guangdong, Xuwen
	PXY	1961	F	16	Care worker	Hainan
Xinxing textile factory	YBG	1967	F	8	Care worker	Hunan
	QH(Cchief)	1970s	M			Guangxi
	XXZ	1970s	M			Guangxi
	SDP	1970s	M			Guangxi
Liansheng molding factory	LY (chief)	1970s	M	11		Guangdong
	XRJ	1978	M	12	Digital control programmer	Guangdong,Zhanjiang
	GDW	1974	M	18	Master moulding operator	Guangxi
	QQM(chief)	1977	F	6		Hunan, Hengyang
Xinsheng Factory	YYL	1984	F	1		Hunan,Hengyang
	YDS	1988	M	4		Hunan,Hengyang
	ZWP	1970	M	6		Hunan,loudi
	YSB	1971	M	11	Warehouse staff	Sichuan,Neigong
Baode toys factory	ZGG	1974	M	4		Chongqing
	BYX	1991	M	1		Guangxi,Hengxian
	ZSF(chief)	1955	M	21	Mech. Maintainance team leader	Guangxi
	HDJ	1970s	F	21	Administrative staff	
Lide shoe factory	SJH (chief)	1970s	F	6	Line Supervisor	Hunan
	YCL	1996	M	2	Manual worker	Hunan
	YGB	1980s	M			Hubei
	YGR	1970s	F	17	Line Supervisor	
Foshan jewelry	ZXH(chief)	1981	M	15	EXperienced manual worker	Jiangxi
	ZHS	1983	M			Heilongjiang
Qingsheng	HJ (chief)	1960s	F	20		
GCL	LXX(chief)	1970s	M	11	Line supervisor	Hubei,chongyang

Note: chief indicates chief worker leader; F = female, M = male.

Source: author fieldwork.

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