



**The statement of Hong Kong Confederation of
Trade Unions (HKCTU) Concerning People's
Republic of China for the Universal Periodic
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**Submitted by the Hong Kong Confederation of Trade Unions
(HKCTU)**

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1. A brief overview of HKCTU

HKCTU consists of 91 affiliated union including 4 affiliated federations with over 170,000 members in Hong Kong. Major industries or occupations of affiliated organizations are transportation, social welfare, public sector, personal services and constructions. HKCTU is a part of a Coalition of Human Rights in China.

2. National Consultations

During 28-29 July, 2012, HKCTU co-organized a conference on Labour Rights and Collective Bargaining in China with the Applied Social Science Department of City University of Hong Kong inviting 70 workers activists and academics from mainland China and representatives of international trade unions as well as 60 Hong Kong union leaders.

3. Outline of the statement

HKCTU will address five major issues of the labour rights: 1) Detention of worker activists; 2) Right to freedom of association; 3) Right to Strike; 4) Restrictions on union election and 5) Right to collective bargaining. In addition, HKCTU will cover a part specifically on Hong Kong Special Administrative Region (HKSAR) on 1) the right to union, 2) to collective bargaining and 3) minimum wages.

4. Issues and Recommendations

4.1 Detention of worker activists and labour rights supporters

The HKCTU remains concerned at the continued inability of workers and labour activists to utilize their right to freedom of expression in relation to labour activities. For example, just 12 months after the initial review of China by the UPR process, a report by the International Federation of Journalists outlined over 80 orders relating to censorship and restrictions on reporting issued in 2010 and highlighted the continued arrest and sentencing of journalists who fail to observe internal censorship rules on the reporting of protests and strikes.

The HKCTU also seeks answers as to the legality of the continued imprisonment of workers and worker representatives including those in long term custody and those detained briefly for their role in protests and strikes. A non-exhaustive list (see appendix I) from the HK office of the ITUC (IHLO) and press coverage contains 12 prisoners imprisoned for their activities relating to freedom of association. Many are long term detainees.

Recommendations

The HKCTU demanded the PRC government to stop local law enforcement officers from abusing the provisions on demonstrations in the PRC Criminal Law and the administrative punishment of Re-education through Labour (RTL) to crack down on workers and labour activists who initiate or take part in strikes and petitions.

4.2 Failings in core human rights: Freedom of association and expression

Despite some moves towards the incorporation of key articles in international human rights law, there continue to be little or no progress towards the recognition

of workers right to freedom of association and other core labour related rights. **The HKCTU seeks to raise the fact that progress on freedom of association remains inadequate. Workers remain unable to form or join a trade union of their choice.** The All China Federation of Trade Unions (ACFTU) continues to be the only "workers' organisation" recognised and allowed under the trade union law.

In February 2001, the Chinese Government ratified the ICESCR but effectively entered a reservation on a fundamental element of the Covenant on the right to establish and join workers' organisations of one's own choosing, thereby putting itself in breach of internationally recognized principles on the law of treaties. UN bodies have repeatedly "regretted" China's "prohibition of the right to organise and join independent trade unions" and "urged" China "to amend the Trade Union Act to allow workers to form independent trade unions outside the structure of the ACFTU". **The HKCTU is eager to see what follow up will be made to ensure China addresses these concerns.**

In the UN's own compilation report to the UPR process * it was noted that : "(3)1. CESCR regretted the State's prohibition of the right to organize and join independent trade unions in China. In 2008, an ILO Committee of Experts referred to the Government's indication that the legislation to regulate the exercise of the right to strike is under examination".

The HKCTU seeks to ask if there has been any progress made towards implementing legislation explicitly protecting a worker's right to strike.

In the Report of the working group on the 2009 UPR of China, Sweden raised this prohibition regarding 8.1(a) of the IESCR and the ensuing lack of freedom to join and form unions of one's own choice. In answer the PRC representative stated that "Chinese law does not prohibit strikes. If a strike occurs, the local government will try to mediate between the trade unions, enterprises and striking workers to find a solution to the problem. The Chinese constitution and the trade union law provide that the workers are entitled to organize and join trade unions and carry out activities entirely free."

The HKCTU wishes to question this and believes this statement is in stark contrast to the continued reality where the ACFTU remains the sole trade union allowed to exist and where all new unions formed must "affiliate" to the ACFTU. Further clarification should be sought as to the definition of workers being "entirely free" to organize unions and carry out union activities. According to existing regulations; any such organization, whether local, national or industrial, "shall be submitted to the trade union organization (the ACFTU) at the next higher level for approval". Trade union organizations at a higher level "shall exercise leadership" over those at lower level.

Recommendation

The HKCTU urged the PRC government to ratify ILO convention no.87 on Freedom of Association as soon as possible in order to legislate domestic laws to enable workers to form or join trade unions by their choices.

4.3 Right to strike

The right to strike was removed from China's Constitution in 1982. As noted by the Chinese representative in the last UPR of China the current trade union law (Article 27) does not specifically outlaw strikes but nor however does it include them as forms of lawful industrial actions .

The HKCTU has noted numerous occasions when representatives of workers', freely chosen by the workers have been detained and imprisoned

*http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_WG6_4_CH

for utilising their right to freedom of association and when workers attempt to organise their own unions. (see appendix II)

Recommendation

The HKCTU calls for clarity on this issue and for strikes to be expressly included in the law. Otherwise, as of now there remains ambiguity which can lead to some strikes being harshly repressed as 'illegal work stoppages: while others may be more leniently resolved. This does not allow for the coherent and confident expression of a worker's right to strike and enables the authorities to crack down on worker strikes and protests they deem too sensitive or threatening.

4.4 Restrictions on trade union elections

Although the Trade Union Law states that trade union officers at each level should be elected, most officials are still appointed. Once elected, candidates must be approved by the provincial-level ACFTU. While experiments in worker led elections and the election of self-chosen representatives for the factory trade union have been going on for the past decade or so it is only recently that there has been a wider push from the ACFTU to respond to the demands from workers through more genuine election process. Many provinces are now legislating on this issue in response in an attempt to forestall repeated strike waves of worker activism around the worker ownership of the ACFTU. It has also been reported that the Shenzhen federation of trade unions is planning the organisation of these elections in 163 enterprises in 2012.

However although the term "direct election" (zhixuan in Chinese) is widely used it does not, in this case mean the democratic election of officials by all workers. In a case of Ohms Electronics union election, the rank and file workers in different departments voted in the election of departmental branch committees and trade union members' representatives. Then the election of the enterprise trade union officials was held, but only the trade union representatives, just over 70 of them, were able to nominate candidates and vote. Similarly in the elections of the union chair and vice chair, only the trade union officials could nominate candidates and only the trade union members' representatives had the right to vote. The trade Union law states that union officials at various levels can be elected by the union's members' congresses *or* the union members' representatives' congress. However most of the so called 'direct-elections actually use the latter – and least democratic – method for elections.

The HKCTU, while acknowledging some progress, seeks to know when genuine elections of trade union officials by rank and file union members will take place in a meaningful manner and substantial scale.

4.5 Right to collective bargaining

There is currently no national law specifically governing collective bargaining procedures but increasing collective contract are being regulated and relevant local legislation proposed and unlike the situation in Hong Kong, in the PRC mainland a collective contract established in line with the regulations is legally binding. Article 33 of the Labour Law states that workers have the right to conclude a collective contract "in an enterprise where the trade union has not yet been set up".

The lack of active support for workers in many strikes and labour unrest by the ACFTU, as a key part of the ruling state apparatus is well documented. Workers in the majority of private industries have instead attempted to organize themselves and where possible deal directly with the factory management. Most remain unaware of union presence in their own factory. The ACFTU and the government are increasingly anxious to ensure that workers do not take independent action in any organized form. This is one reason why there has been some progress towards a negotiation of collective bargaining – if worker action is channeled through semi-official forms then the risk of confrontation is lessened.

In November 2011, the Ministry of Human Resources and Social Security passed a regulation that requires enterprises set up labour dispute mediation committees in

the workplace. The Regulation on Enterprise Labour Disputes Negotiation and Mediation is targeted at improving the resolution of labour disputes, ensuring disputes remain contained within the workplace and reducing the number of cases appearing in the legal system and wild cat strikes and protests. However the compulsory establishment of a labour dispute mediation mechanism at the workplace without the democratic election of worker representatives and the reform of enterprise trade unions into representative worker unions suggest these committees may become another tool for company and state control. Committee members representing workers can be trade union officers or workers nominated and agreed by workers, not necessarily democratically elected. In addition, the committee is also meant to promote workers' understanding about the labour laws, regulations and government policies (Article 16). The committee therefore carries also the purpose of persuading workers to accept reconciliation rather than using the "illegal means" and strikes to protect their rights.

The HKCTU believes that the system fails to allow workers to properly exercise their right to collective bargaining and freedom of association and instead is being seen as a another tool in state control of worker protests.

Recommendation

- 1. HKCTU urges the PRC government to ratify the ILO Conventions No. 98 and as soon as possible in order to enact domestic laws in line with these international labour rights instruments.**
- 2. The PRC government should require local governments to review and remove the provisions in the regulations on collective bargaining that would prevent workers from exercising their right to organize strike when negotiation between workers and employers fail.**

Hong Kong Special Administrative Region

5.1 The right to form trade unions and the right to strike

The Employment and Labour Relations Ordinance includes provisions to protect workers against dismissal for trade union activities but does not offer any remedies for individuals who have been subjected to other forms of anti-union discrimination. The law only ensures that, were a worker dismissed for participating in a strike, s/he would have the right to sue the employer for compensation but not reinstatement.

Since 1999, the government has stated that the Employment Ordinance, Chapter 57, will be amended to introduce mandatory reinstatement and order for re-engagement in the Labour Tribunal in cases of unreasonable and unlawful dismissal. However amendment has been deferred for over 13 years. Meanwhile, the penalty for anti-union discrimination at the moment is only a maximum fine of \$ 100,000 (US \$ 12,800), and the maximum amount of compensation is set at HK \$ 150,000 (US \$ 19,230).

While litigation against anti-union discrimination of employers is theoretically possible, in practice it is difficult and successful cases are rare. There have been only four prosecutions for the past fifteen years. Instead, Instances of dismissal or harassment for union activity are reported every year.

For example, in December 2012, a group of security guards employed by Hang Seng Bank was going to organize a union, but the company dismissed one of the worker leaders in order to threat others. The trade union is going to file a complaint of anti-union discrimination but it is expected that no prosecution will be made. The bank can easily refute that they dismissed the worker leader because of his poor working performance.

5.2 The right to collective bargain

The HKSAR government has persistently refused to implement the recommendations of the ILO on introducing legislation for the objective recognition of trade unions for the purpose of collective bargaining.

Collective bargaining is neither promoted nor encouraged by the authorities, and employers generally refuse to recognise unions. It is believed that less than 1% of workers are covered by collective agreements, and the collective agreements that do exist are not legally binding. Without legal protection to guarantee these rights, workers are also subject to arbitrary and unilateral actions of employers and are denied job and income security.

In 2012, several cases were reported regarding the rejection of collective bargaining by the employers. In July, Watson transportation workers were unsatisfied with the lack of manpower. They called for a strike and hoped to negotiate with the management. However there was no response from the management. In November, Cathy Pacific Airways Flight Attendant Union negotiated the pay raise with the company. While both parties were still negotiating, the employer announced the pay rise unilaterally.

Meanwhile, civil servants unions could only participate in joint consultation committees (JCC) in order to raise their concerns. There is no formal collective bargaining procedure for civil servants. The government's justification, that all civil servants are engaged in the administration of State and hence their exemption from the right to collective bargaining, is misleading. Many civil servants are not responsible for formulating policies, or performing law enforcement and regulatory functions.

5.3 Minimum wage and standard working hours

Although the minimum wage has been implemented since 2011, the hourly minimum wage rate, which is \$28 (around US \$3.6), is not sufficient for the living of the workers and their family. According to the survey of the Hong Kong Council of Social Service, the number of low income households with employed member¹ has increased from around 185,000 in 2011 to 200,000 in 2012. The HKCTU and other labour organization have urged the government to raise the hourly rate to at least \$35 (US \$4.5) and review the rate annually, especially the existing inflation rate is around 4 per cent.

Over 45 per cent of total employees work more than 48 hours per week. 13 per cent of workers even work more than 60 hours per week. A survey of the University of Hong Kong found that long working hours have adverse effect on workers' health and social life.² Disappointedly, the government has no intension to regulate the working time.

¹ the household's income which is lower than 50 per cent of the median household income, while at least one member of the household is employed.

² <http://hkupop.hku.hk/english/report/bokss12/index.html>

Appendix I:**List of Imprisoned Labour Activists (Last update: 27 May 2013, 6:30pm)****Imprisoned Labour Activists**

Name	Chinese characters (main name)	Occupation	Sex	Residence province	Date of detention	Actual date release/Probable release	Sentence
Chen Yong	陈勇	Worker	M	Hubei	1989/06/21	2009/06/20?	20 years
Jiang Cunde	蒋存德	Manual worker /machinery	M	Shanghai	1999/mm/dd	2024/08/01	20 years
Kong Youping	孔佑平	Former ACFTU Official	M	Liaoning	2003/12/13	2018/12/12	15 years
Li Jianfeng	李建峰	Judge	M	Fujian	2002/04/03	2015/02/02	14 years
Liu Jian	刘健	Machinery / Manufacturing	M	Hunan	1989/mm/dd	N/A	Life
Liu Jianjun	刘建军	Railway worker	M	Shanxi	2008/06/28	N/A	N/A
Wang Miaogen	王妙根	Manual worker	M	Shanghai	1999/05/dd	N/A	N/A
Wang Wenming	黄文明	Laid-off factory worker	M	Chongqing	2011/10/14	2013/10/13	2 years
Li Benyu	李本玉	Laid-off factory worker	M	Chongqing	2011/10/14	2013/10/13	2 years
Zhou Decai	周德才	Human rights defender	M	Henan	2012/02/28	2017/02/27	5 years
Zhou Yuanwu	周远武	Factory worker	M	Hubei	2012/10/31	2013/10/30	1 year
Zhu Fangming	朱芳鸣	Factory worker (Flour production)	M	Hunan	1989/06/11	N/A	Life

Detainees' Details

Name	Chinese characters (main name)	Short Summary
Chen Yong	陈勇	Chen Yong, a worker and resident of Tangshan City, Hebei Province. In June 1989. Chen allegedly attacked a security official during the 1989 pro-democracy movement. Authorities charged Chen with "counterrevolutionary assault," a crime eliminated by the 1997 revision to the Criminal Law. The

		Beijing Intermediate People's Court sentenced Chen to life imprisonment, on 8 December 1989. His sentenced was reduced to 20 years imprisonment after an appeal. On 1 June 2009, Human Rights in China reported that, as of May 2009, Chen was imprisoned in Qincheng Prison in Beijing.
Jiang Cunde	蒋存德	Jiang Cunde, was a worker at the Dong Xin Tool Repair Works in Shanghai. He advocated imitating the model of Poland's independent trade unionism to topple the government in 1985-1986. In addition, He planned to establish a "China Human Rights Committee." In May 1987, Jiang and two others were convicted on charges of planning to hijack an airplane, and he was sentenced to life imprisonment for counterrevolution. In January 1993, Jiang was released from Tilanqiao Prison in Shanghai on medical parole. In 1999 he was rearrested for having allegedly "joined a reactionary organization, written reactionary articles and sent them to news agencies, and used the occasion of the US bombing of China's embassy in Belgrade in 1999 to stir up trouble." Jiang was returned to Tilanqiao Prison in June 1999 to continue serving his life sentence. In August 2004, his sentence was commuted to 20 years' imprisonment, and he is currently due for release in August 2024.
Kong Youping	孔佑平	A former official trade union official in Liaoning Province, Kong Youping was sentenced to 15 years' imprisonment on 16 September 2004 by the Shenyang Intermediate People's Court. Kong's colleague and co-defendant at the September 2004 trial, Ning Xianhua (宁先华), was sentenced to 12 years' imprisonment. Kong, 54 years old, originally worked as a union chairman at a state-owned enterprise in Liaoning. He was dismissed by the factory and the union for supporting laid-off workers' struggle sharp criticism on government corruption. In the late 1990s, a group of dissidents, including Kong Youping, were working to establish a branch of the China Democracy Party (CDP) in Liaoning. In 1999, Kong was detained and imprisoned for a year on charges of "incitement to subvert state power". Prior to his recent arrest and trial, Kong was reportedly involved in planning the establishment of an independent union and had posted articles on the internet criticizing official corruption and calling for a reassessment of the Tiananmen Massacre. Kong is due for release in 2018.
Li Jianfeng	李建峰	Dui Hua Foundation reported that Li Jianfeng's sentence was reduced by 21 months in late 2009 or 2010. He is expected to be freed on 2 February 2015. Li was a judge from Fujian Ningde Municipal Intermediate People's Court, Fujian Province and former member of the Ningde City Intermediate People's Court. Li was detained on 3 April 2002. On 30 October 2003 he was sentenced to 16 years in prison by the Sanming Municipal Intermediate People's Court. Lin Shunan, Huang Xiangwei, Lin Shunhan, Zhan Gongzhen, Zheng Xiaohua, Lin Chan, and Lin Shuncheng were also sentenced in the case. Authorities accused these eight defendants, including Li Jianfeng, of planning to set up an illegal organization in late 2000 attempting to register the organization under the name "Labour and Employment Research Association". Li was also charged with unauthorized possession of arms. Li was forced to do heavy labour more intensive than other

		<p>prisoners while serving his sentence in jail. It was reported that Li was suffered from serious illness. The family also found that the prison has been giving expired drugs to Li and rejected passing the medicines and supplies sent by the families for Li. Dui Hua stated that the other individuals sentenced with Li have all been released, most after receiving sentence reductions.</p> <p>Also see cases of Huang Xiangwei and Lin Shunan.</p>
Liu Jian	刘健	<p>In the aftermath of the Tiananmen Massacre, Liu Jian and Liu Zhihua (刘智华), workers at the Xiangtan Electrical Machinery Plant, Hunan Province, participated in a demonstration with some other 1,000 workers from the factory against the crackdown. A worker was seriously injured by a security guard in the action, the demonstrators then allegedly ransacked the home of the security section chief. Afterwards, Liu Jian and Liu Zhihua were sentenced to life imprisonment in either August or October 1989 on charges of "hooliganism" and "intentional injury." No evidence of the alleged violence has been public. Their colleagues, Chen Gang (陈刚) and Peng Shi (彭实), also received life sentences for their involvement in the same protest, but the sentences were later reduced. Both Chen and Peng were reportedly released in 2004. Liu Jian is apparently the only one of the four detained Xiangtan Electrical Machinery Plant workers who has still not had his life prison term reduced to a fixed-term sentence. In May 2009, Dui Hua noted that Liu was believed to be incarcerated but that he was no longer "imprisoned in Hunan Province." On June 1, 2009, Human Rights in China reported that Liu Jian is still in prison, but that his current detention location is unknown.</p>
Liu Jianjun	刘建军	<p>On 28 June 2008 Beijing public security officers detained Liu Jianjun, a railroad worker and labour rights petitioner from Datong, Shanxi Province. On 4 July, Liu was returned to Datong and transferred to local police custody and then formally arrested Liu for "inciting subversion of state power," a crime under Article 105 of the Criminal Law. Liu is currently detained at the Datong No. 1 Detention Centre. His sentence remains unknown.</p>
Wang Miaogen	王妙根	<p>During the Democracy Movement in 1989, Shanghai Workers Autonomous Federation was formed in May. Wang Miaogen, a manual worker in Shanghai, was a leading member of the independent union. In the aftermath of the Tiananmen Massacre, Wang spent two and a half years in police detention undergoing "re-education through labour" for his involvement in the banned workers' group. In April 1993, after he committed an act of self-mutilation in front of a Shanghai police station in public protest against having recently been severely beaten up by the police, he was subsequently detained and then forcibly sent to the Shanghai Ankang Mental Hospital, a facility run by the Public Security Bureau to detain and treat mentally ill people. Wang has been held incommunicado at the Shanghai Ankang now for more than 12 years and in custody for more than 16 years. Wang has no fixed release date.</p>
Wang Wenming	黄文明	<p>The workers, numbering around several tens of thousands, have been petitioning the government about benefits after they were laid off from the state-owned Chongqing Grain Group (重庆粮食集团). RFA reported that eight of the workers</p>

		representatives were held by the authorities on 14 October 2011. Later on, Wang Wenming and Li Benyu, were sentenced to a labour camp for two years. In April 2012, Wang Wenming's wife stated that her husband has been hospitalized for 3 months. He was weak and could not walk. Yet, he refused to confide in his wife if he was tortured in labour camp.
Li Benyu	李本玉	The workers, numbering around several tens of thousands, have been petitioning the government about benefits after they were laid off from the state-owned Chongqing Grain Group (重庆粮食集团). RFA reported that eight of the workers representatives were held by the authorities on 14 October 2011. Later on, Wang Wenming and Li Benyu, were sentenced to a labour camp for two years.
Zhou Decai	周德才	According to Chinese Human Rights Defenders (CHRD) and RFA, public security officials detained rights defender Zhou Decai in Gushi County, Xinyang City, Henan Province on 28 February 2012, on suspicion of "assembling a crowd to disturb social order." Zhou has advocated and assisted labour and farmers defending their rights since 1990s. He also observed and participated in local village committee elections, and just prior to his detention, he participated in county people's congress elections. However, the trigger factor which led to his arrest was unknown. Authorities formally arrested him on March 30 and the Gushi County People's Court heard his case on 13 June 2012. On 3 September 2012, court sentenced him to five years in prison. Authorities forbade Zhou's wife to witness his trial.
Zhou Yuanwu	周远武	Civil Rights and Livelihood Watch (Civil Rights and Livelihood Watch) reported that Zhou Yuanwu was given a 1-year-imprisonment in a labour camp in Beijing on 31 October 2012. Zhou Yuanwu was a workers' representative at the Jingchu Brewery in Jingzhou, Hubei, who'd led several protests in defense of the factory workers' rights. He was imprisoned in 2007-2009 for "obstructing public officers in the execution of their duties" after petitioning in Beijing. On the national day of China in 2012, 1 Oct, Zhou attempted to bring petroleum and lighter into the Tiananmen Square. He was sentenced to one year in labour camp for showing no repent for his previous offense and committed crime again.
Zhu Fangming	朱芳鸣	Zhu Fangming was a 28-year-old worker at Xihu Flour Factory in Hengyang City, Hunan Province. In the 1989 Democracy Movement, Zhu was the vice-chairman of the Hengyang City Workers Autonomous Federation. He organized demonstrations and took part in sit-in in front of the municipal government offices. After the bloody crackdown, he allegedly led workers to the municipal Public Security Bureau to demand justice for the victims. He was sentenced in December 1989 by the Hengyang City Intermediate People's Court to life imprisonment on a charge of "hooliganism". I In October 2005, the Chinese government maintained that Zhu "was never punished" for his activities in 1989 and it stated that he is once again working at Xihu Flour Factory. However many groups continue to believe Zhu remains detained and is believed to be still held in Hengyang Prison (Hunan Provincial No.2 Prison).

Appendix II:

For example in March in Lanzhou, some 5,000 striking taxi drivers surrounded the provincial government offices demanding an end to rising taxes and fines. Their protest was met by around 300 police - several people were injured. In January, a group of bus drivers and conductors were injured in a clash with police during a wage dispute. The strike began when conductors on various bus routes in Shenzhen demanded talks with management but management refused to talk to the workers and the police were called. Several workers were injured. In January, hundreds of laid-off textile workers in Hubei clashed with police over severance pay but found the factory surrounded by hundreds of riot police. In June 2011 some 4,000 workers at a Handbag factory in Panyu, south China went on strike over low pay and overly strict management. According to workers, police surrounded the factory to restrict access to the strikers. Several workers stated they had been beaten and that management was threatening workers with dismissal if they did not return to work. The strike was not reported by local media in order to reduce the possibility of copy cat strikes taking place as had happened last summer in the south of China. In December 2011 some 8,000 workers went on strike in a Nanjing electronics factory. Management reportedly threatened to close the factory and prosecute strike leaders while police reportedly instigated several confrontations.

Appendix III:

Auto Industry strikes in south China (2009-2012) and official ACFTU response

In 2009 and 2010 auto workers held series of strikes in Foshan and neighbouring districts over low pay, working conditions and calls for trade unions. Working conditions there are below the legal standard and wages lower than the legal minimum basic structure to be compensated mainly by long overtime work. The use of so called interns is also common and they are only paid some 800-900 yuan a month without social insurance provisions. All of the strikes called for wage increase, a fairer share of workers' wages and in some cases, reform of the plant trade union when the workers realised that it could not represent them in their strikes and negotiations with the management. In response the Guangdong ACFTU is quickening the "professionalisation of trade union officers" including the recruitment of almost 1000 union officials. This move aims to ensure the unions are better able to contain, suppress and quickly resolve worker unrest as opposed to ensuring the proper democratic representation of workers within the enterprise level trade unions

Also in part response to these strikes, the Guangdong authorities attempted to legislate on shop floor collective wage negotiation. The initial draft law, was rejected after business opposition while similar proposals in Shenzhen have been watered down. Regulations in Guangdong Province were finally passed in autumn 2011 on tripartite negotiation. They attempt to "establish a comprehensive mechanism of bilateral collective negotiation" by proposing the operational structures to enterprise, regional and industrial collective negotiation under a regular Tripartite Conference system. The final regulations now excludes plans for regulating and encouraging shop floor negotiations, instead focusing on tripartite mechanisms at various local and district levels. It also excludes the express right of workers to demand that the trade union calls for collective negotiation (needs triple checking) – instead focusing on the rights of the trade union or where there is no trade union, the supervisory (higher level) union has this right (and can facilitate the election of workers' representatives with the approval of more than half of the workforce to take part in the negotiation) – the workforce does not. **This again prevents real workplace, worker led bargaining.**

The HKCTU notes that local authorities are moving towards a system which relies on external mediators as well as individual lawyers and academics. While some positive

moves are noted and the increasing professionalism of negotiators is welcomed the HKCTU **again highlights the real lack of progress towards genuine reforms of the trade union system** and the application of tools such as external mediators in order to deflect the impact and severity of worker disputes and strikes while maintaining control over the workers' right to freedom of association.