

**AMRC 30<sup>th</sup> Anniversary Conference on Labour Resurgence Under Globalization**  
*Minutes from Monday, 27 August, 2007*

**I. Opening Remarks by Apo Leong, Director, AMRC**

Mr. Leong began by recounting the history of AMRC. It was founded in 1976 by Americans to address the impacts of United States (US) economic activities in Asia. In the 1980s, its interest gradually shifted to labour, and the working classes of Hong Kong, Korea, and Taiwan. Independent labour movements emerged all across Asia in the 1980s despite oppressive regimes, with the exception of China. Of late, attention has shifted towards monitoring transnational corporations (TNCs) in Asia. In 1993, following deadly fires in factories in Thailand and Zhili, AMRC contributed to the establishment of the Asian Network for the Rights of Occupational Accident Victims (ANROAV) and drew attention to occupational safety. In 2005, AMRC participated in Hong Kong activities against the WTO. There is much talk today about labour revitalization. The 2,000 people who participated in yesterday's demonstration prove that people are actively participating in the labour movement.

**II. Keynote Speeches**

**A. Keynote Speech by Peter Waterman, Researcher/Activist on Global Solidarity (Netherlands): 'Global Social Emancipation: From the Past to the Future, and From Labour to Society?'**

Mr. Waterman also began with some comments on the beginnings of AMRC. Its founders formed the organization out of necessity to advance documentation and communication activities. AMRC contributed to the very radical language and activities endorsed by the 'new labour internationalist' movement. AMRC's bulletins and computer projects were innovative and complemented by published studies of Western trade unions.

With the assault of neo-liberalism and capitalist globalization, AMRC dropped its global profile and by the same token, took on a more Asian and more Chinese focus, becoming even closer to workers than in the 1980s. China has now become the center of the world's working class, where there are 200 million workers. All 200 million need international support, and AMRC is well-placed to coordinate discussion between the Chinese labour movement and those of the world, which are currently not coordinated. AMRC can also contribute to the 'new global emancipatory movement,' or the 'global justice and solidarity movement,' via publications such as a website and/or a magazine.

In terms of the future, AMRC must recognize the limits of labour as an emancipatory movement under capitalism. The working class, as a result of capitalist development, has been undermined by decentralization, consumerism, ideologically seductive ideas, and by union-smashing. In addition, socialism has turned out to be productivist, statist, militarist, patriarchal and racist, and thus contributes to the undermining of the labour movement. The early privileging of the labour movement has isolated it from other progressive social

movements and civil society activities.

Furthermore, the very form of trade unions is problematic. Trade unions have changed radically under different phases of capitalism. They began at a local scale and corresponded to various trades and crafts. Later, skilled workers formed unions on a national scale. At the beginning of the last century, the industrial workers' unions brought trade unions to the international scale. In each wave, a new form of trade union was found to be necessary and appropriate to the capitalism of the era. Today, labour unions must adjust to computerized capitalism.

Labour has been severely challenged by globalization from above and the global solidarity movement from below and around it. Capitalism has attacked the trade unions aggressively. The international labour union movement responded in aggressive and dismissive ways. New kinds of labour organizations have therefore been organizing with or without union involvement. Mr. Waterman stressed that it was necessary to rethink the labour movement's position under globalization. It is important to reconsider the relationship of the labour movement with all sorts of other movements, such as those dedicated to the environment, women and racism in order to address the negative impacts of capitalism on labour. There is need for an intensive dialogue, which does not currently exist, around these issues and interlinkages. Mr. Waterman proposed creating a global labour movement charter, inspired by the women's global charter for humanity drafted a couple of years ago. Furthermore, there is need for the new global labour movement to involve the 80 percent of labour that is considered 'ununionized' and 'ununionizable.' Successful organization of this population will have impact on social movements against other problems such as ecological destruction, consumerism, militarism, and patriarchy, etc. This conference will contribute to such efforts, and AMRC will return to its crucial position of the 1980s enriched and empowered by experiences in Hong Kong, China, and East Asia in general.

### **B. Keynote Speech by Sujata Gothoskar, grassroots and women's activist/IUF Asia-Pacific (India): 'New Issues, New Challenges, and the Good Old Question of Organizing'**

Ms. Gothoskar first reminded the audience that it is important to look at each of AMRC's milestone achievements.

The labour movement has faced serious challenges in the last decades, as have all movements working for radical social change. These movements all contribute to each other and must be interlinked in significant ways if they are going to challenge the status quo in a concrete and lasting manner. The status quo and power structures have changed over time, and are dominated by particular struggles at various points in time. The early 20<sup>th</sup> century was, for instance, dominated by anti-colonial struggles. Resistance to the status quo has occurred through movements focused on democracy, human rights, labour, women, ethnic minorities, religious minorities, queers. These wide-ranging areas demonstrate that resistance to the status quo covers a wide spectrum.

Ms. Gothoskar believes that her role was to raise women's voices within the labour movement. The issues of sexuality and sexual morality have rocked the women's movement.

The women's movement has not always intersected with the labour and democratic movements. Ms. Gothoskar gave the example of discussions of rehabilitating bar dancers in India that took place without the dancers themselves nor those labour organizations working directly with them. Labour in the context of sexuality and morality is a widely ignored subject, and has in fact been a tool used by men to exclude and discredit women (who have been branded or stigmatized due to sexuality or morality issues) from participating. The organizing of sex workers has been increasingly successful, with Kolkata counting 60,000 members.

Compulsory heterosexuality is also an extremely important issue, and has been strongly addressed in South Africa.

The trade union has been the most lasting institution dedicated to the defense of workers' rights. Due to its age as a structure and institution, the trade union thus retains its earlier practices and is averse to experimentation and change. However, as women constitute the majority of members in certain sectors, unions are beginning to change, and they must, in order to adapt to today's circumstances. Change is currently happening much less in formal trade union structures.

Also important are the issues of a shift toward the contractualization and sub-contractualization of work, and defining the category of employer/bargaining agent. Furthermore, migration has emerged as a pressing issue. In the past, trade unions have often struggled against globalized capital but now need to organize *for* globalized capital in order to keep up with the developments migrants are creating. While migrants have traditionally been excluded from unions, trade unions must change and adapt to the new conditions of migrants.

### **C. Keynote Speech by Yang Kyung-kyu, former president of Korean Federation of Transport and Public Services Union (Korea)**

In his speech, Mr. Yang addressed the current crisis of the Korean labour movement, which has been known as one of the 'better' and militant labour movements in Asia. The Korean labour movement has been unable to stop the domination of capital over society, and is thus facing a crisis. A clear sign of the crisis is the increasing income inequality that Korea has experienced. While GDP is increasing, income disparity has reached levels last seen 20 years ago. In addition, the Korean labour force, which has been dominated by regular workers, is seeing increasing numbers of irregular workers. Korean society's crisis is spurred by the privatization of public services, education and health care. One of the past achievements of the Korean labour movement was to improve the basic labour rights of workers but these achievements are regressing. It is now impossible for public sector workers to strike or take collective action, and there is a ban on the existence of multiple enterprise-level trade unions, effectively preventing Koreans from forming independent democratic unions. If the purpose of the labour movement is to change society for the better, the Korean labour movement must be failing, due to the influences of neoliberal capitalism.

Korea is experiencing a decline in union members, and as a result, the labour movement is losing its legitimacy as a representative for the struggles of the entire society.

This decline began after the 1997 economic crisis when the IMF provided a bail-out package to the country.

Enterprise unionism, which is predominant in Korea, makes it impossible for workers to see the problem of capital as relevant to the entire society, and instead contains the issue within the labour sector.

Trade union members are predominantly regular workers (of 1.5 million workers, only 5% are irregular), and as they are becoming better paid, the unions are becoming less representative of wider society. The trade unions are seen as a regular worker-centered movement. Furthermore, better-paid workers face less dire work conditions, and thus feel less desperate to strike or take collective action. The trade unions are losing their capacity to incorporate wider social issues into their own agenda, and as a result losing legitimacy and becoming isolated. Aggravating the problem is the fact that union members, who are wealthier today, elect leaders more for their economic policies and less for addressing wider social dilemmas.

As Asian countries are generally exploited by imperialism and TNCs, they have a common labour movement agenda.

The past successes of the Korean labour movement testify that it is essential to organize irregular workers, as well as to politicize the labour movement. As for international labour solidarity in Asia, nations must go beyond sharing information and networking and instead engage in solidarity of action – i.e., establish an Asia-wide labour movement that takes action in unity on migration issues, and on TNCs in Asia and their bad labour practices. Mr. Yang also considered that it is time to consider creating a centre, such as a labour university, devoted to the education of all labour activists in Asia and learning from each other's experiences.

#### **IV. Panel Discussions**

##### **A. Panel Discussion 1: Contemporary Issues in the Asian labour Movement**

**Moderator: Apo Leong**

**Elizabeth Tang, Chief Executive, Hong Kong Confederation of Trade Unions (HKCTU), Hong Kong**

Ms. Tang first introduced HKCTU. It was founded in 1990 by a group of 25 independent unions. Today, it encompasses 86 unions and 170,000 members, representing five percent of Hong Kong's labour market. It seeks to build democracy in Hong Kong and bargain for working conditions collectively. The position of HKCTU is difficult because China continues to be ruled by a one-party system while Hong Kong has a strong free market ideology and system, and values neoliberal globalization. HKCTU also aims to help workers to understand what difficulties they face, develop their goals, and take collective action.

Ms. Tang also described the current strike of Hong Kong bartenders. The strike is on day 20, and is thus the longest strike that HKCTU has been involved in since a 17-day strike of Cathay Pacific workers that took place in 1994. The bartenders' strike began on 9 August

when the yellow union (Federation of Trade Unions) informed workers that negotiations were over. Workers could only receive the HKD850 per day that the union had bargained for. Claiming that this wage was unacceptable, the workers called on HKCTU – a union they were not affiliated with – for assistance in obtaining a wage of HKD950 a day with 8-hour workdays. While this may seem like a high wage, it is actually very low as barbenders may only work 12 days a month under very difficult conditions.

Ms. Tang explained that organizing workers has been a long tradition of HKCTU. HKCTU receives 50 telephone calls a day, and then decides which cases are appropriate to take on. The new structure of capitalism has made this work very difficult. In addition, most all of Hong Kong's workers in the private sector are irregular. Irregular workers are not protected by law so it is hard for them to bargain directly with their employers.

HKCTU has concluded that there is no choice but to organize every worker as a worker in order to create union membership growth. HKCTU has succeeded in organizing workers considered non-unionizable. It works closely with migrant workers because these workers strengthen the union greatly. The workplace today is very complex because employers are far away, and are not necessarily the decision-makers (e.g., private equity funds).

Today's challenge is to share lessons learned at conferences in order to build a global solidarity movement. It is, furthermore, necessary to uphold workers' right to freedom of association in China.

**Martin Hart-Landsberg, Department of Economics, Lewis & Clark College (USA):  
'Transnational Accumulation and East Asian Labour'**

According to Mr. Hart-Landsberg, in order to develop positive and productive responses to growing problems faced by workers in Asia, we must understand contemporary Asian accumulation dynamics. Asian economies are increasingly linked and affected by TNCs, and China is driving this process as it is the largest recipient of foreign direct investment. China's transformation is tied to a broader restructuring of production throughout East Asia. This has negative consequences for working people and international stability.

There are four critical results of this regional restructuring. Firstly, there has been a rise in Asian export ratios. Secondly, there has been a restructuring in the direction of trade, characterized by China reducing exports to East Asia and increasing exports to the European Union (EU) and US. The third result is a change in the nature of goods produced: Southeast Asian countries now produce mostly parts and components and China produces final products using parts made around Asia. The fourth result is thus that the regional trade in parts and components are oriented towards China. China is the only producer of final goods in the region. The region is thus increasingly tied together and dependent on the US and EU's ability to keep buying imports from China. This is problematic as the US moves towards recession.

In addition, TNC-driven trade does not actually contribute to national development. Investment outside of China has slowed in almost all countries. Asian exports are very

highly correlated with demand for them in major capitalist centres. This lack of independence and national development places all countries under great pressure to drive down wages and create jobs.

Mr. Hart-Landsberg used several graphs and charts to demonstrate the decline of state enterprises and the emerging informal sector in China. All of China's job creation originates from growth in irregular work. Two in three jobs in Southeast Asia are in the informal sector. Workers throughout this process are suffering from economic shifts.

In order to inform our organizing, we need to help workers see that the deterioration in their living and working conditions is the result of state-supported national economic policies, which must be changed. Workplace militancy alone is not enough because governments wrongly convince the public that militant workers hinder growth by driving out jobs. Secondly, governments convince the public that, due to how capitalism shapes conditions, if workers would only be more competitive they would gain from the current economic system. However, competitiveness changes nothing for working people. It is necessary to challenge the contemporary notion that success comes from attracting investment and exports. We must give working people confidence that these elements do not produce a better quality of life. What matters is that local demands for meeting basic needs are being met, and meeting those needs requires new forms of productive ownership and democracy. At that point, it will be possible to overcome the difficulties between workers, amongst communities, and engage with contemporary struggles in ways that connect resistance with class.

### **Voravidh Charoenloet, Chiang Mai University (Thailand)**

Mr. Charoenloet provided an account of Thailand's recent coup d'etat. Thailand swung between dictatorship and authoritarianism after its 1922 democratic movement. Despite democratic elections, the winner of elections required the blessing of the monarch to be successful. While the national bourgeoisie liked Thaksin's policies, it disliked his cronyism. He created populist policies and reached out to the countryside in order to gain a new constituency. Populist social programmes funded by taxes on the middle class gained him the support he desired. However, the king's network felt that Thaksin's policies expanded his support base too far, and this formed the basis of the coup.

The outcome of the recent referendum was worrisome: only half of those eligible voted. 50 percent voted for Thailand's new constitution and 41 percent voted against it. After the referendum, Thais will go to the polls at the end of the year *unless* a 'special occasion' arises. Mr. Charoenloet speculated that another coup or disputes over the succession of the throne were plausible special occasions. The labour movement should remove itself from this destructive political structure because it will become involved in power conflicts at the top. It should instead join the independent movement of the poor.

### **Li Kungang, speaking on behalf of Chang Kai, Renmin University (China): 'On the Construction of a Harmonious Society and the Labour Conflicts Settlement Legislation'**

Mr. Li began by describing the situation of labour disputes in China. 60 percent of labour disputes are collective legal conflicts. There exist many flaws in the system for the settlement of labour disputes in China: collective infringement of labour interests, infringements on labour rights including back wages, and the low legal protections for workers. The collapse of state enterprises, growing privatization, and imbalances of power and interests in the workplace have had great influence on labour relations. Management staff in factories now make higher incomes than in the past and there are thus many conflicts between workers and management. Furthermore, workers today have new demands and interests than in the past.

The existing legal system is not appropriate for settling individual dispute cases because it costs workers greatly to put forth litigation cases. Workers must go through an arbitration committee, two levels of People's Courts, and ultimately spend a year and at least RMB6,000 to go through the legal system. If the dispute was originally only over RMB10,000, it would therefore not be worth putting forward litigation. There is also no support system for the collective rights of workers. Workers are thus forced to take to the streets and demonstrate for their demands.

Mr. Li explained that since China is still a socialist country, it is still obligated to protect its workers. In addition, China's transformation from an egalitarian society is causing conflicts of interest. There is need for a better system to protect the rights of workers, and facilitate the resolution of collective disputes. There is also a need for legislation to prevent the eruption of dispute cases.

### **Ashim Roy, National Trade Union Initiative (India)**

The Indian trade movement is experiencing a period of revival. The important question at hand is: What are the implications of the shift to export-led industrialization? In order to revitalize the labour movement further, we must regionalize the movement. Successful regional labour struggles will become the movement's foundation.

Mr. Roy argued that industrialization polarizes society because it has not led to wage growth in Asia. The industrial production system does not lead to adopting a living wage, expands working time beyond human proportions (67 percent of total working people in Asia work overtime, meaning a shift from 48- to 60- or 70-hour days whereas Europe experienced an increase to 40- or 42-hour days when it industrialized), and does not bring about uniform working conditions. The poorest working poor are in South Asia.

In order to rectify these conditions, we must move beyond national struggles. Solidarity movements and uniting the working class do not concretely accomplish anything. There needs to be a shift in bargaining power. The right to organize must exist in terms of affecting wages. We need to operationalize the living wage, and this is being attempted through the campaign for the Asian floor wage for garment industry workers. Once this wage has been achieved within India, democracy and labour movements elsewhere can successfully fight for the same. In addition, the various social movements need to become better incorporated into one another. A good example of this is the trilateral mechanism trade union for peace and democracy created in Kashmir.

## Question and Answer Session

**Q:** What would the implications of carbon taxes be on Asian economies?

**Mr. Hart-Landsberg** was not enthusiastic about carbon tax trading schemes and more in favor of using local strategies to generate solutions suited to the environmental conditions of particular places (instead of trading carbon 'points'). He did not think that it was possible to implement the carbon tax trading schemes.

**Q:** Mr. Hart-Landsberg's presentation clarified the ways in which global capital accumulation is changing the Asian labour situation but what are the effects on American and European labour markets?

**Mr. Hart-Landsberg** explained that American and European workers are having similar experiences to Asian workers. The ideas that dynamic Asia is stealing American jobs or that Asia's growth is at the expense of American workers' jobs are false. It is necessary to show that the accumulation process is affecting Asian, American, and European workers in the same way. Garment and manufacturing jobs are decreasing in number on both ends.

**Q:** The role of consumers in the discussion on increasing international solidarity has so far been omitted. What are the responsibilities of consumers with regard to solidarity movements?

**Q:** The idea that the global, national, and local repercussions of globalization on workers in different countries are comparable [with regard with Mr. Hart-Landsberg's arguments] is not plausible. Globalization is not having equal impact on workers around the world. Furthermore, the Chinese government and multinationals are trying to achieve high levels of technological development to create competitive Chinese multinationals. Given that industrial development creates social developments, we must recognize that changing working conditions and shifting levels of economic development are linked.

**Q:** When American TNCs outsource jobs to China, they are also outsourcing their social responsibilities towards workers. In other words, they are transferring corporate social responsibilities to China. China is therefore contributing to the welfare of Americans through China and the US' trade relations. In addition, China's sweatshops are controlled by TNCs and do not comply with local laws. The manufacturers are under pressure to reach production quotas as well as provide fewer benefits to workers in order to maximize profit. TNCs should be the subject of international labour campaigns to rectify these unfair labour conditions.

In his response, **Mr. Roy** stated that there are lots of campaigns geared at consumers. He felt that consumer campaigns needed to address the living wage in very concrete ways. He also

felt that the issue of how the price of products relates to the wages earned by workers making the products needed to be better linked to the trade union movement.

**Mr. Hart-Landsberg** agreed that workers in different countries are not identical and that TNCs are indeed highly exploitative. The problem is that the process of accumulation is not contributing to the development of Asian countries. There is a lack of formal job creation, high levels of social inequality, and declining social services in China. Mr. Hart-Landsberg argued that it is not that workers are the same but that, in the system of accumulation, there are common effects which unite workers.

## **B. Panel Discussion 2: Informalization of labour and New (Alternative) Ways of Organizing**

**Moderator: May Wong**

**Lucia Victor Jayaseelan, Committee of Asian Women (Thailand)**

Ms. Jayaseelan explained that CAW worked to resolve issues of low wages, long working hours, the lack of trade unions, and the informalization of labour. 80 percent of the workforce in Asia is now informalized. As women are mostly employed in the informal sector, CAW seeks to enable women workers to organize and help trade unions organize in the informal sector. Furthermore, CAW seeks to foster cooperation amongst organizations concerned with labour issues, especially through alternative forms of organizing. The current structure of trade unions, which predominates organizing efforts, is not conducive to encouraging women to join. The trade union movement should focus on organizing workers regardless of their other identities. In addition, we are witnessing the feminization of labour; women are exploited on many levels. As such, women make up the working poor. The majority of migrant workers are also women. As excluded and invisible members of the workforce, women have not had access to the basic protections that trade unions have won over for their members, who are mostly men. As learned from experiences in Latin America, it is important to sensitize unions to gender issues.

Ms. Jayaseelan suggested that the formation of women's trade unions was a good response to the problems posed above. This could include organizing women who are unemployed. Ms. Jayaseelan also expressed that it was important to address the Asian floor wage since low wages contribute significantly to the impoverishment of the lower class.

Also of interest to CAW is organizing local domestic workers even though this would be a very difficult undertaking because domestic workers do not consider themselves to have rights. To come to domestic workers' aid, it would help to look at the ILO conventions devoted to domestic and migrant workers.

**Rosalinda Pineda Ofreneo, Regional Coordinator, Homenet Southeast Asia (Philippines): 'Organizing and Empowering Home-Based Workers in Asia: Experiences, Lessons, and Challenges'**

The formal economy is shrinking in size. 65 percent of non-agricultural employment is

in the informal sector. We are also experiencing a global movement to redefine the term 'worker' to anyone who works or leases their capacity to work to earn a wage. This definition covers everybody.

There is growing attention to the gender perspective of labour because there is a large concentration of women in the informal sector. This is because informal work is generally compatible with or akin to reproductive work. Women workers are struggling today to assimilate as union members.

Ms. Ofreneo next introduced the work of the Self-Employed Women's Association (SEWA) and of Homenet Southeast Asia. Homenet Southeast Asia is active in Thailand, the Philippines, Indonesia, and the Lao People's Democratic Republic. The ILO Convention on Home Work is important because it addresses the need to provide home workers with the same rights as formal sector workers.

Organizing strategies differ from country to country; the internet has been a powerful means of communication and organizing in the informal sector.

### **Wulan Dari, Asian Labour Exchange (Indonesia)**

Many Asian countries are experiencing a new form of colonialism characterized by the violation of workers' rights. In Indonesia, before the 1997 crisis and stepping down of Suharto there was no freedom of association or expression. Today, freedom of association remains a superficial right but 145 trade unions exist nonetheless.

The 2003 Labour Law regularized informal workers and while there were no massive protests against it, the Asian Labour Exchange sought to organize workers against it. In order to do so, the organization conducted a mapping investigation to determine the impact of the law on the irregular working system. Following this step was a national campaign on contractualization. The strategy of the Asian Labour Exchange was to form unions outside of factory walls (on buses to work or outside factory entrances) in order to reach those workers who were unable to organize within their workplace. Discussion groups between irregular and regular workers as well as figures in the society were also formed to discuss labour issues at the community level. Factory management sought to bribe the social leaders involved and intimidate participants using gangsters. However, these tactics were largely unsuccessful, and numerous labour 'schools' (local name for labour discussion groups) formed. These 'community-based unions' were so successful that entire families joined. The Asian Labour Exchange has also organized youth, religious figures and street vendors.

The Progressive Federation in Indonesia formed to resolve economic crises in Indonesia and focus on the following issues: the abolition of foreign debt, nationalization of principal industries, strengthening national industrialization, and fighting corruption. This platform is controversial for groups that are pro-neoliberalism. The group also aims to raise the political awareness of workers, fight for the living wage, and form alliances against the arbitrary dismissal of workers.

### **Wu Meilin, Hong Kong Women Workers Association (Hong Kong): 'Informalization of Cleaning Workers and Experience of Organizing in Hong Kong'**

Hong Kong is now dominated by service -based work. As labour opportunities have decreased, women workers have been the first to be dismissed from their jobs and the first to experience wage decreases. The Hong Kong Women Workers Association has focused on organizing women with very low income, especially involved in cleaning services, because they are particularly vulnerable and excluded from organizing efforts. Hong Kong has a high GDP and seems prosperous but income inequality is a serious issue. The minimum wage of Hong Kong is too low to support a family with, yet the number of people making minimum wage is increasing.

Because working in the cleaning services is not considered to be 'good' work, the government has had to pay subsidies to employers to find staff. In the past, cleaning staff made higher salaries but the outsourcing trend has caused income to decrease. In addition, companies used to employ older, middle-aged people but they now try to employ younger women or immigrants.

As a result of growing outsourcing, working hours have become very flexible, and Hong Kong's Labour Law stipulates that one must be employed for at least 18 hours a week to be considered formally employed, be protected by the Labour Law, and have holidays. Migrant workers therefore work a few hours here and there to avoid becoming recognized by the law. There is low unionization amongst migrant workers. The government has not addressed this problem seriously, and has instead tried to outsource social services, public housing, etc, further. Public enterprises have also been largely privatized and outsourced.

Workers without formal labour relations are considered self-employed and have no direct employer; they tend to be employed by an agent. When workplace accidents occur, such workers are unable to get direct compensation due to their 'irregular' employment status.

Ms. Wu explained that the Hong Kong Women Workers Association is trying to spread awareness about cleaning workers' circumstances and increase public support for their rights. Since cleaning workers interact with residents, it would be especially helpful for residents to understand cleaners' general situation. The organization is also trying to involve students in their campaigns.

The government uses the free market as an excuse not to interfere in this labour sector. If it continues this way, workers have a dark future ahead of them. The government must recognize that marginalized groups need to be taken good care of.

### **Yang Li, Northwestern Polytechnic University (China): 'Domestic Workers Network: Our Experience in Xi'An'**

Shaanxi has been strategically important so many state enterprises are located there. Single parents face serious labour rights violations in the province. The state should better use its resources to resolve the problems of single parents – to help them to cope with economic changes, for instance. Women workers work very flexible schedules, receive low pay, and carry out degrading work. Such conditions have impact on these women's self-confidence. Ms. Yang explained that we need to develop new ways of intervention for these

workers: empower them through small-group activities, make them able to organize themselves, as well as bring rational understanding towards their living conditions. Successful intervention will allow women to analyze their own situations and find their own solutions. The market economy does not function like the state economy, and as a result we need to utilize ourselves as agents of change instead of relying on the government.

We must also improve workers' ability to negotiate and bargain. Ms. Yang suggested creating dialogue between employers and domestic workers so that their mutual understanding increases. In addition, there is need for legislation addressing the plight of domestic workers. It is also necessary to actualize the right to freedom of association and unionize informal workers. Ms. Yang's unique programmes have been successful in empowering domestic workers and hopes they will expand to reach more workers.

### Question and Answer Session

**Q:** Could the panel discuss whether they have multiple strategies for unionization?

**Q:** The panel has emphasized that the current organizational forms for labour are not adequate. What kind of organizational forms are we working towards?

**Q:** What has been the reaction of the All-China Federation of Trade Unions to independent labour organizing in the mainland?

**Q:** How has the distancing of corporation decision-makers from their labour force affected their perception and knowledge of the reality on the ground?

**Ms. Yang** explained that she first did research on the number of domestic workers, formed emotional support groups for the workers, and conducted research on their wages to find out their consistent conditions. Domestic helpers are a unique group; after they are laid off from factories they become employed in the informal sector, and so can no longer belong to official trade unions. Workers in the informal section are being reorganized to become their own union, and a branch of formal unions.

**Wulan Dari** commented that the Asian Labour Exchange has focused on community organizing, and most specifically education and health care. It teaches those it works with how to pressure the state into making decisions favorable to the working class, and prevent the privatization of the public sector and the nationalization of the mining industry.

**Q:** How are formal unions managing the politicization of their work since labour policies are drafted by governments?

**Q:** If the decision-makers of TNCs are so removed, who are workers bargaining with? Who are workers in the informal sector bargaining with?

Some informal workers have employers that can be traced back to bargain with, said **Ms. Ofreneo**. Home-based workers have formed their own producer groups to avoid facing difficult bargaining situations. What is most important is having a means of sustenance so home-based workers form their own groups that produce basic goods to sell to each other; workers have come together to produce and create income.

Ms. Ofreneo suggested that informal workers unite to create a Magna Carta for the informal economy.

*Minutes from Tuesday, 28 August, 2007*

### **C. Panel Discussion 3: Triangle Solidarity: North-South Collaboration in the Asian Labour Movement**

**Moderator: Dae-oup Chang**

Mr. Chang started with the big question – Triangle Solidarity: Do we have it? When we organize concrete struggles, do we frame our struggles in the context of international solidarity? The concrete form of international solidarity is not well developed. Given the development of globalization and the emergence of global supply chains, the basis of capitalism has changed the basis for international solidarity. We are concerned with the structure of triangular capitalist development – East Asian productive capital exports capital to Asian developing countries to produce commodities, and these Asian developing countries export back to the western developed countries to consume. In this given structure, there are large and dominant sectors of capital. So, in this structure, how can we develop concrete tools for struggle? We have many long-time, committed activists – all of whom have experience in developing forms of international solidarity, either in traditional or new forms.

#### **Junya Yimprasert, ('Lek'), Thai Labour Campaign (Thailand)**

The presentation began with a showing of the short movie: 'End Slaves'.

This movie was launched in Thailand this month by Thai Labour Campaign (TLC). The TLC is trying to make links between national and regional organizations, talking a lot about freedom of association and the right to organize. But the unions are weak, with only 5% of the workforce unionized. There is an atmosphere of labour flexibilisation, so we must work at the global level using the 'name and shame' strategy, CSR, codes of conduct. At every level, national and international regulation, we focus on **freedom of association** (FOA). We have decided to put FOA at the center of our work. But because of labour flexibilization, we have to worry about the undermining of FOA. There is a danger that the TNCs will use CSR to undermine FOA. If so, the game will be lost, we will go back 200 years.

#### **Monina Wong, Labour Action China (Hong Kong)**

Monina Wong's organization is a labour organization based in HK, working on labour rights in mainland China. She addressed the question of triangular solidarity in East Asia. Yesterday we heard the presentation from Martin Hart-Landsberg on the restructuring of global investment capital. It helped explain the reason for the weakness of solidarity

movement in the region, and also suggested possibilities for work. It also pointed out the degree of export-orientation in the economies of South Asia, East Asia and China. We all recognize that HK, Japan, Korean, Taiwan are important in spearheading this dynamic trend. We see how this trend is recomposing the labour force, creating the factory worker class, particularly in China. It also ushers in the labour resurgence. The failure of East Asian national labour movements to stop this process was highlighted in yesterday's presentations. At the regional level we see the exporting of capital from Asian developed countries ('Four Little Dragons') to underdeveloped countries. This causes the reproduction of export-oriented market economies as well as replication of labour regulation regimes. Japan, Korea, and Taiwan's styles of labour management are being reproduced. This is reproduced in the relationship with western TNCs, and the imbalance of power. We see western trade unions also taking up the consumer-leverage strategy in dealing with East Asia labour problems. Now we add the perspective in triangular solidarity of adding both East Asian labour movements, and also adding East Asian TNCs as targets. To us this means adding the perspective of the struggles of labour movements in East Asia, and showing how the struggles in each country affect the entire region.

The ideology of anti-communism and isolation has divided and weakened the international labour solidarity potential. Now Asian and East Asian capital has emerged, at the even greater expense of Asian labour. In Asia, formal labour unions are still struggling for rights of representation. The largest portion of East Asian workers is developing on the so-called upgrading of the economy, reliant on international TNC investment. We are trying to find a way to position ourselves to put the struggles of Asian workers into this global perspective. We are now trying to improve methods of grass-roots organizing and research, and to extend concrete examples of international support within Asia for local campaigns. We also recognize there is a greater need for regulatory control from developed nations, Asian and western. Workers must be brought repeatedly, through their NGOs and unions, to demand that their national governments support their rights for representation in formal ways. We are currently limited in how much we can support campaigns. We heard yesterday that the organizing of informal and flexible workers is bringing a new dynamism to the labour movement in HK and Korea. The organizing of all workers in East Asia will give a new dynamism to the labour movement.

### **Garrett Brown, Maquiladora Health & Safety Support Network (USA)**

Mr. Brown presented one example of North-South solidarity in the workers' movement. The Maquiladora Health & Safety Support Network (MHSSN) was founded in 1983 to respond to the North American Free Trade Agreement because the founders of MHSSN saw this would be bad for workers in North America and Mexico. In the last 13 years, it is the workers in Mexico who have suffered the most under NAFTA. MHSSN mobilized the resources of over 400 industrial health professionals to support the activity of workers on their own behalf on issues of workplace health – to let workers know their rights, advocate on their own behalf, achieve decent working conditions, and use their right to organize. The Network organizes collaboration between North and South to build the local capacity of workers' groups on the ground; plugs into existing networks of professional

organizations and individuals, to bring resources to those who are struggling for rights; and tries to use the claims of TNCs – that they care about workers – to gain access to the workplaces and improve OSH systems in factories. MHSSN began on the US-Mexico border, where there were 1 million workers in 3,000 plants, producing for US corporations but located just over border into Mexico. The conditions in Mexico are much worse than in US. The presence of independent unions was small and weak in Mexico, but MHSSN has been forming partnerships with Mexican organizations, mostly working with community, women's and human rights organizations, trying to build North-South alliances among equals. The Network has done many trainings to develop 'Peer Trainers' – women workers who could become experts on OSH; it trained about 75 women who went on to train others, develop capacity so they could continue to expand work. But then in 2001, 300,000 workers in maquiladora zone were laid off due to changes in economy. Since 2005, the economy has begun to pick up again on US-Mexico border.

Now MHSSN has moved to work in the Pearl River Delta and Indonesia, starting in 2000, finding partners with NGOs and unions, training local organizers. MHSSN developed training manuals, some of the material of which was adapted for popular distribution in pamphlets to workers; and also did a training on grounds of NIKE factory in Indonesia, and follow-up training one year later.

In 2001 MHSSN began working in China with AMRC and partner organizations in Guangdong. The goal of factory training was to develop worker committees on OSH, in various supplier factories. Four HK NGOs formed a steering committee, with brands and supplier factories to oversee project. The group did a 4-day training, including developing a plan for how OSH committees would operate. In one plant there was an overlap of the election of a workers committee' and this reinforced the work of the OSH committee. However, after about 3 years there has been no further functioning of these committees due to resistance from factory owners. The on-going challenge is to raise money (labour rights in China is no longer sexy – the founders have switched to global warming and HIV/AIDS). It is also hard to know about lasting impacts. There are changes in the staff and status of local partners and NGOs. But Mr. Brown thinks that there is a lasting benefit from the collaboration and training. MHSSN has learned the partnerships must be equal, respectful, mutually educating, transparent. It is important that Northern groups not set the agenda, just because they are bringing resources. The experience of Mr. Brown and MHSSN has been that OSH is a good entry point into labour rights organizing; this has been seen in the US and Canada and also now in Asia. It serves as a successful organizing focus, and can be expanded more broadly to labour rights.

### **Irene Xavier, Transnationals Information Exchange-Asia (TIE-Asia) Malaysia**

The Malaysian Airlines (MA) strike in the early 1970s was successful. It was supported by trade unions in other parts of the world. In Sydney some airport staff refused to service MA planes. It was used as an occasion by the government to further repress the trade union movement. The National Federation of Transport Workers was repressed, the President was arrested, forced to appear on television and give a 'confession' that he was working for communists. After that the union leaders went into hiding, were replaced with government-

appointed leaders, and became compliant and broke all international links. Another example is of banana plantation workers unions, which were very strong and powerful. Unfortunately today the workers live below poverty line. They have been struggling to raise wages, and have just won a struggle recently but the wages are still not livable. The industry is a sunset industry and can't provide security to the workers. This may be a representative example for other workers in Asia.

We have engaged in different forms of solidarity; some have succeeded, some have not. The situation is that the conditions for workers in Asia continue to get worse. TIE-Asia has taken on organizing some workers in free trade unions in Sri Lanka, Bangladesh, and Thailand. But it is a big question mark whether it has improved the lives of workers. Left-wing trade unions were formed; they are not right-wing unions. One of the problems of left-wing trade unions (we don't often want to talk about this), though, is that they very often are not seen by workers as being a real alternative. They may be militant and anti-employer, but in some other areas are not so different from the right-wing unions. They are often hierarchical, not responsive to women and their particular issues, and not responsive to the rank and file workers. Often they are directed by the political agenda of the party they are affiliated with. Another problem is that these unions do not unite workers across the working class, but rather divide workers by portraying themselves as being the best, and others as bad. Democracy is sometimes lacking in the organizational structures, being instead top-down and hierarchical. TIE-Asia did gender training, but many women leaders did not emerge. Women's issues were not taken up.

Another thing TIE-Asia has tried to do is link workers along the production chain. This brought some increased consciousness and solidarity. The workers in the North were shocked by seeing the horrific conditions of workers in the South. We have used CSR, but it has been problematic. CSR is a kind of alternative for people who realize that the tripartite system is not working and who think CSR will be better. In the long run neither system may benefit workers. What can we do? The Asian Floor Wage is an alternative that can be successful. It can be an organizing point for both organized and unorganized workers. It can be extended from the garment sector to other sectors. It can help us bring together workers from North and South. Training and education must continue, and good organizers should be developed at the shop floor level all over the world including Asia. We must learn new languages, learn Chinese and English, to improve communication. Workers become dependent on professionals to translate for them and this can become a problem. We should support the efforts of AMRC and others to bring workers together internationally.

### **J. John, Centre for Education and Communications (CEC) (India)**

J. John focused on the practice of revised CSR, and whether it has a meaning in looking at it in an alternative way. East Asia and Asia have been discussed as being the factory of the world. In his talk, Mr. John focused on the sector of primary commodity production. Primary commodities are largely produced in southern countries and consumed in northern countries. One of these is tea, produced in southern -- and only southern -- countries. Previously India was the largest producer, but last year China became the top producer, making 1 million kilograms of leaves. It is also produced in Africa and Malaysia.

Both China and India are also large consumers of tea. The triangular aspect is that the TNCs control its distribution. Two questions: How much is produced and what is the value? This determines a large part of the character of industry and the conditions of its workers. Recently the price of tea, by those who are producing it, has drastically come down. So many plantations are disappearing – in Malaysia, India. Thousands of families are left to starvation, and have starved to death in the last three or four years. At the same time, the price of the commodity in the market has been stable (neither up nor down). There is a process of restructuring of the commodity industry. The tea plantation is an enclave-colonial system, founded by the British based on the slave labour model. The plantation model survived the end of colonial era. The pricing is now based on the 'auction' system. It is changing to a vertical model – where most of the tea production and distribution is controlled by two companies: Unilever and Tata. They control the branding section of the process, but disengage from the commodity production process. The commodity production process now places all costs and risks on the local suppliers.

Corporations in the Ethical Trading Initiative in the UK have come together to say they will only import 'ethically produced' tea. Now in other countries, others are coming forward with standards based on ethical considerations. CEC decided to look at CSR from the bottom – considering workers, local suppliers, consumers, auctioneers – through a consultative process, and came up with a code of conduct (CoC) including environmental, social, labour standards. What has been the impact of this process? What were the stances of the different parties?

- 1) The government: At the start, the government said it was wrong because we were creating non-tariff barriers to the export of tea. So they didn't come into the process.
- 2) Employers: They are represented by employers' organizations. They came to our meetings but decided not to join because they have their own CoC; they believe they have better systems. They don't see any benefit to them.
- 3) Consumers in North, including major brands: No. They said their markets are already saturated. There is no market available. Morally we are with you, but in reality we can't give you anything.
- 4) Unions and workers: They were there in the whole process. They said that the standards can't be implemented. It is not a regulatory mandate. We already have mandated regulations, but your method can not deliver anything to us. In fact it's counter-productive because it undermines our mandatory system and collective bargaining.

So all have backed out, but CEC still has the goal developed.

### Question and Answer Session

**Peter Waterman:** This looks like a new wave of labour solidarity, the last one being in the 1970s-1980s. We need to go beyond a particular structure or process of capital in a specific region. We can't only deduce the needs of labour by analyzing the process of capital. We need more information, education, greater understanding of the meaning of solidarity, research of cases to understand what workers want and how workers feel they can benefit from international solidarity, understanding of non-top down decisions on this, and hopefully,

continued space from AMRC for this discussion. AMRC could do this, for example, through establishment of a website or newsletter in which these discussions take place.

**Ashim Roy:** Irene made a significant point. There cannot be revival of trade union mechanisms without looking at political structures. The ugliest example of a massacre has been in Malaysia. We have to understand the mechanisms of the political process first. At the center of trilateral solidarity, there has to be a political framework.

**R. Sreedhar:** The political context is important, the crux of any transformation. Once a process is in place, you can not play a percentage game. You can only build on little gains every day. We've seen this in the mining industry. You can't push the process too far and too fast, because it will backfire. We've seen this. If the initial rules of the game are set to your disadvantage you can't easily change this.

**Sang-yoon Lee:** I don't represent Korean labour movement but I'm sorry the Korean labour movement hasn't cooperated with other Asia labour movements. In Korea, the OSH movement does not receive money from government or corporations. So OSH NGOs are very poor. The Korean labour movement has not contributed to Asian labour movement, but will try to raise up the solidarity from the present state. We will try to address the problem of how we can raise money.

**Garrett Brown:** We were able to raise university, government, foundation money early on. But the money has dried up in last two years. Now we will look at funding partnerships, with funders that will fund a partner in the underdeveloped countries and we partner with them. We will continue to provide assistance to the partners. There is a continued need because of deepening exploitation of workers.

**Manrico Moro:** Manrico asked for a statement of support for Toyota campaign. Two labour activists in Australia have been sacked. There is a community assembly (as strikes are now illegal in Australia) in front of Toyota gates today. In the Philippines there is also a Toyota campaign. A KMU leader will be speaking in Australia. Manrico asked for the conference to approve the statement of support which he read aloud.

**Q (Tim Pringle):** Where do we position triangular solidarity? Do we see it as an alternative to traditional solidarity as has been pushed by ITUC? Is it a regional alternative to existing regional solidarity structures? Triangular solidarity appears to have a more radical model (in Monina's presentation), as compared to the OECD model. If tri-solidarity is going to work, will law-drafting work? How will triangular solidarity inform or help a worker in Dongguan who's learned that her job is being moved to Vietnam? How will triangular solidarity relate to the bar-bender strike here in HK, in a realistic and practical way? No one has used the word socialism? Is that because the experience here in East Asia has been authoritarian, in which workers have not become masters but passive observers to state socialism?

**Junya Yimprasert:** There is nothing as simple as A vs. B in this world. Everything is an alternative, everything is a chance. This triangular solidarity is another way. In Asia where the majority of people aren't organized, they can't look to traditional socialism. The CSR model is available for people who think there is no choice. Yes it is voluntary, but where there is no FOA it may be the only choice. But we also do a sit-in at the Ministry of Labour, and the government can not kick us out. The brands can not deny their responsibility. In the past the brands put pressure on the government. We use triangular solidarity to expose labour exploitation in Thailand, but the unions and NGOs are weak.

**J. John:** The social partnership model that Tim has mentioned is also the basis for CSR model. In fact in some cases, it dilutes the social partnership which has previously been there between state-employer-worker. It broadens it and puts it into a voluntary framework. Our exercise was done, but without the political framework initially discussed, so perhaps it was counter-productive.

**Irene Xavier:** A lot of the gains of labour, using the industrial trade union model, have already disappeared. So those structures are inadequate to address informal labour, the global factory. The 8-hour day no longer exists anywhere in the world, certainly not in Asia. So we are beginning to re-look at our whole situation. The triangular solidarity is an attempt to reconsider and look for a new model. Why we don't talk about socialism? Because the concepts don't match the practice, the practice and language don't align; so we prefer not to use it.

**Monina Wong:** I think AMRC wants to revive and create new debates, pose challenges to existing structures and systems. Also make use of whatever existing openings we have. It looks really radical, but in practical cases it is a matter of what the workers need. Mostly it is immediate resolution of conflicts. There is no effective social partnership in most Asian countries. But that shouldn't limit what we try to do. It is difficult to know what to do about capital mobility and runaway capital (China to Vietnam, as in Tim's question). In the case of the HK-invested Thai factory close-down (Gina Form), we do what we can – contact Thai workers, research workers employed by the same employer in China, pull in workers of the same employer in Cambodia. But it isn't taking place effectively because Chinese workers aren't effectively organized. In the end it didn't work; the company closed down. But we still know the workers in the community, even if they are dispersed from the factory.

#### **D. Panel Discussion 4: Occupational Safety and Health (OSH) in Asia**

**Moderator: Sanjiv Pandita**

Mr. Pandita began with the observation that while OSH can be used as a starting point for organizing, it should not become simply a tool for organizing because it is a labour issue in its own right. Damage to workers' health is not yet widely perceived as exploitation. Furthermore, workers suffering from occupational diseases are excluded from unions and

their needs will be forgotten if they do not organize themselves.

### **Xiao Ying, Chongqing Self-Help Center (China)**

Despite sound legislation to protect labourers and to uphold OSH, diseases and accidents still occur. The 1993 Zhili fire in Guangdong is one such example. Most of the workers were also migrants from poor parts of China. The relatives of victims still hold a memorial for the event each year.

Ms. Xiao explained that the Chongqing Center has become involved in fighting for better conditions for workers in the tatami industry in Ningbo, Zhejiang. There are more than 350 factories involved in the grass-picking industry. This industry is extremely hazardous: the picking, cleaning, and dyeing of grass are all labour-intensive activities and create lots of grass dust. Ventilation is poor or non-existent, and workers are not provided with protective equipment like masks. Of the 140 reports of occupational diseases that the Ningbo government received, 80 percent were reports of silicosis.

It is problematic that: enterprises are not investing in occupational disease prevention; work, along with responsibility, is being transferred to subcontractors, workers are largely unaware of OSH hazards; local protectionism is limited; there is little inspection of workplaces by the government; and discrimination against migrant workers is still high.

### **Melody Kemp, OSH Specialist/labour activist (Australia/Laos): 'Accidentally Safe: Global Textiles and the Organic Movement'**

Ms. Kemp discussed Laos' traditional textile industry and its hydropower development.

Environmental groups have been the most active groups in preventing hydropower plans from overtaking Laos.

The organic movement is pushing for greater attention to 'green' textiles. The labour movement focuses largely on the garment industry but it is relatively safe. What health problems garment workers do face are often due to previously working in the textile industry. Working in the textile industry means exposure to pesticides, carcinogens, noise, mechanical hazards, and biological hazards. Organic production has been endorsed by influential members of the fashion world but organic dyes are not necessarily healthy; they in fact carry reproductive hazards.

Hydrodam projects have proven to be very dangerous in Laos. There are 25,000 injured workers and 200 fatalities a year in Laos due to vehicular accidents, HIV/AIDS, explosives, silicosis, and exposure to chemicals.

Ms. Kemp posed the question of how the labour movement should collaborate with the already active environmental movement to resolve OSH issues in Laos. The same situation exists elsewhere in Myanmar, Vietnam, and China.

### **Chan Kam Hong, Association for the Rights of Industrial Accident Victims (ARIAV) (Hong Kong)**

The members of ARIAV are all occupational disease and accident victims. Industrial accidents in Hong Kong are numerous but compensation is low. There were 46,937 worker injuries in 2006. This number may seem low but cases are underreported because injured workers often do not know how to report their case or fear dismissal if they do. This figure is therefore likely to be closer to 70,000 injuries. The government reported that there were 54 confirmed cases of occupational diseases in the first quarter of 2007 but ARIAV received 400 reports of occupational diseases in the same time period.

ARIAV has formed numerous targeted support groups: it runs a group for women whose husbands were killed in accidents, job training for people with disabilities, a rehabilitation network for pneumoconiosis patients, a rehabilitation network for occupational deafness victims, a group dedicated to victims' rights advocacy, and a safety and health education centre.

**Amanda Hawes, WORKSAFE (USA): 'Why We Must Put the 'Precautionary Principles' to Work at Work: Occupational Disease in the US Semi-Conductor Industry'**

The microchip industry in Silicon Valley is dominated by women. Ms. Hawes noted that were the sector dominated by men, OSH standards would have been resolved much faster. She focused her comments on 'clean rooms' where workers work in extremely clean conditions to protect the pieces they are making. However, a clean work environment does not mean it is safe. WORKSAFE has undertaken campaigns to ban the use of certain chemicals or to lower the concentration level considered safe. 'Clean rooms' that still harbour dangerous levels of harmful chemicals have been found to cause reproductive harm as well as cancer.

The standards for permissible chemical levels in clean rooms are lower than environmental standards. Ms. Hawes explained that environmental standards offer as much as 1,000 times better protection than clean room standards. As companies in the US face increasing charges and demands to change their standards, they are choosing to move overseas instead of rectify work conditions. Lastly, Ms. Hawes stated that the environmental movement and labour movement have been supportive of WORKSAFE's cause.

**Jagdish Patel, Peoples Training and Research Centre & Coordinator, ANROAV (India)**

Mr. Patel began by explaining that 57 percent of the world's population is in Asia, and that 8 of the 15 most populous countries are Asian. Common features in Asia are: poor governance, corruption, and weak democratization. These factors all contribute to the disrespect for labour and their problems. In Asia, there are also no legal provisions to protect workers in all sectors of the economy, a lack of reliable data, OSH services and social security, and little unionization.

In India, almost 7 percent of workers are organized. A liberal Trade Union Act makes it relatively easy to register a union. Central trade unions are affiliated to political parties and, as a consequence, political interests override labour interests. Workers tend to join the

union associated with the party in power.

Liberalization, privatization and globalization have all weakened the monitoring mechanisms of factories, and management knows how to corrupt shop-floor union leadership. Once the leaders are silenced, workers know there is no meaning in making complaints.

Physical access to basic health care is a problem in India. It is difficult to even get diagnosed (with silicosis, for example) to then access compensation. Certain areas have no roads and shifting a patient with a terminal illness is problematic.

Problems of OSH are not attractive to political parties, so to expect trade unions, which are controlled by political parties, to take up the cause in a big way is merely a dream. People do not consider it to be “profitable” to invest in a safer work environment.

### **Sugio Furuya, Japan Occupational Health & Safety Resource Center (Japan): 'Blocking the Japanese Version of the White-Collar Exemption' from Working Time Regulations'**

Japanese statistics for OSH incidents are lower than European countries' because many diseases are still invisible in Japan. Heart and brain diseases, *karoshi* (death due to overwork), and mental diseases are all on the rise.

*Karoshi* is the result of government policy as it seeks to make working overtime profitable for employees. 'White collar' workers are now working too hard and dying so the Japan Occupational Health & Safety Resource Center launched a Joint Appeal Movement along with a variety of groups to educate the public about the problem (as well as on *karojisatsu*, work-related suicide). Families affected by *karoshi* stood up against the White-Collar Exemption and the government eventually withdrew the proposal. However, we must work harder to make the government abandon the idea of white-collar exemptions completely. Mr. Furuya stressed that the participation of *karoshi* families was crucial to defeating the proposal.

### **Question and Answer Session**

**Q:** It has been mentioned that OSH is used more as an organizing tool than a labour issue in itself. How can we bring OSH into the organizing realm? Has the professionalization of OSH (through *karoshi*, for example) hampered the direct participation of workers?

**Q:** Malaysia has an OSH law but it is not punitive. As workers are not organized, this law is basically dead. Countries are hampering progress on OSH issues by choosing to address them through ineffective legal methods.

**Q:** What have the speakers' experiences been in terms of building political understandings and connections to wider, international struggles? Are there attempts to connect injured workers to broader struggles or are efforts focused around coping at the local level?

**Q:** Indonesian unions understand the situation of workers but still do not act. There are differences between labour movements in developed and developing countries; how can we

connect the two?

**Ms. Hawes** explained that the OSH movement needs to discover who its allies are in order to form more effective campaigns with wide support. This movement also needs to provide forums for those who want to speak and take action to do so. Such forums will also empower participants to take action.

**Ms. Kemp** felt that, in a sense, OSH problems are luxuries. She highlighted the work that environmental groups are already carrying out, and that in certain communities the environmental approach makes more sense to communities. It is therefore important for the labour movement to link up with the environmental movement.

**Mr. Pandita** explained that what is most important today in the OSH movement is who is controlling progress. When labour unions are able to control the debate, they will be able to make progress in OSH protections.

**Q:** Laws on OSH cover only formal sector workers so three-quarters of workers are therefore not covered. There is also a gender question: OSH has been male-oriented and, to a certain extent, Eurocentric. Are there initiatives to extend OSH measures to advocacy campaigns for the informal sector? What about work towards including gender-based OSH issues in the wider discussion?

**Ms. Kemp** commented that for employers to finally pay attention to OSH, it was necessary to demonstrate to them that injuring workers costs them. In order for businesspeople to act on OSH, you have to quantify the cost of neglect.

**Q:** There is no contradiction between OSH and the labour movement; the so-called contradiction is between countries' approaches. We have learned at this conference about many OSH problems but not about how to implement change. China has comprehensive laws to assist victims. However, more needs to be done to increase government inspections. The government needs to be held accountable for the laws it has endorsed. It is also necessary to increase our scientific understanding of OSH diseases to have a solid basis on which to build campaigns.

**Q:** Is there an example of a victims' organization integrating a trade union and then finding an appropriate way to shape policy?

**Ms. Hawes** replied that the case of asbestos survivors in Scotland is a good example of a group that was able to shape policy.

Every 23 minutes, someone in California becomes unable to work; we need to communicate to employers that the cost of putting so many people out of work is enormous. The subsequent outsourcing of work should outrage us.

## **E. Panel Discussion 5: labour and Trade Unions in Transition Economies in Asia**

**Moderator: Tim Pringle, University of Warwick**

### **Van Thi Thu Ha, Vietnam expert (Vietnam): 'Development of the Labour Law in Vietnam'**

Ms. Ha assessed the developments of a recent amendment to the Labour Law in Vietnam.

Strikes have been on the rise since 1995. They have mostly been caused by employers not applying the terms of the labour code. Most strikes have been considered spontaneous and illegal.

The government increased the minimum wage in every sector in 2006 as well as strengthened labour inspections. VGCL, Vietnam's labour union, has focused its work in areas most prone to strikes to strengthen the grassroots movement and the awareness of workers.

Following the introduction of the amendment, debate in the National Assembly touched upon many aspects of it: worker rights, employer rights, and government responsibility. Critics of the amendment felt that the law protected employers' rights more than employees', that it created an unacceptable strike mechanism, and that it tackled strikes as unstable elements when they should be considered as normal phenomena.

There have generally been four kinds of strikes: strikes generated by labour code violations by employers, against the weak role of the government in protecting worker rights, against weak labour unions because they are perceived to be driven by white-collar interests, and because workers lack knowledge of their rights and responsibilities. The amendment would allow for two kinds of strikes: 'strikes for rights' and 'strikes for benefits.' This terminology in effect decreases the government's responsibilities and passes them on to employers. These subtle differences are also impractical given the average level of education of people. The 'hottest' topic of debate is on striking for the granting of rights workers do not yet have.

There is also discussion on who should lead strikes (worker representatives or labour unions), and the feasibility of getting workers' agreement for strikes beforehand (signing or voting in agreement).

This amendment does represent progress because it is clear and specific, the dispute resolution process is shorter and clearer, and it is stricter on holding the government accountable. It is too early to tell for sure. On the other hand, it is now more difficult for workers and labour unions to organize strikes. Both groups are now subjected to compensating for employers' losses if they participate in illegal strikes.

### **Apo Leong, Director, AMRC, presenting on behalf of Xu Xiaohong, Zhejiang Trade Union School (China)**

In Zhejiang, the growth rate of labour disputes shows double-digit growth. The root causes of growing disputes are commercial culture and a profit-driven model. The Zhejiang industrial relations model advocates less government intervention and the commercialization

of labour.

The causes of wage collective bargaining are that trade is seasonal and piece-rated. Workers have made their demands in the busy seasons in order to have greater impact. The union leaders have been freshly appointed and so are open-minded to change.

In 2003, the district union called for wage discussion which lasted over 50 days. As a result, workers gained a new minimum wage and were ensured timely wage payment. Labour and management had the opportunity to understand each other's stance and demands clearly, and were able to stabilize labour relations. Wage bargaining is not the norm in China because there is no law covering industrial-level collective bargaining, despite the successes of bargaining in Zhejiang. The 2003 negotiations were, under the circumstances, considered to be a 'win-win situation:' limits were placed on workers' mobility (advantageous to employers) and workers gained higher wages (advantageous for workers). Given current political limits on freedom of association, these negotiations were indeed successful. Furthermore, the negotiations mean that in Zhejiang there is even less state intervention, strong lower class consciousness, and stronger collective bargaining.

### **Chris Chan, University of Warwick: 'Workplace Conflict and the Question of Association in China: A Study of Shenzhen'**

In Shenzhen in the 1980s, trade unions played an active role. The rapid growth of foreign investment in 1992 led to a labour surplus and strike tide in 1993 and 1994. During that time, temporary trade unions formed to better fight for workers' demands. They were declared illegal after the end of the strikes. The Labour Law implemented in 1995 formed the beginning of a rights-based approach to labour in Shenzhen. China joined the WTO in 2001, and as a result of a shortage of skilled and experienced labour in 2003 and 2004, a new wave of strikes emerged.

The consequences of these latest strikes were: the concrete implementation of the labour Law, the establishment of a yellow trade union, and a domino effect in other factories in the same communities and working for plants run by the same business group. There was a subsequent upward adjustment of the minimum wage rate, new labour legislation -the Collective Labour Law, the Labour Arbitration Law, a unionization campaign by the ACFTU in Wal-Mart and McDonald's, for example, and a tide of resignations.

The wider implications of labour conflicts in South China have been: a limitation of the 'individual' rights-based legal framework without a 'collective' instrument in the workplace, worker discontent with factory management, the involvement of the trade union when disputes cannot be resolved by the Labour Law, the confidence of workers to ask for more than the law permits, and an urgent need for an interest-based negotiation framework.

### **Question and Answer Session**

**Q<sup>1</sup>:** The various presentations have demonstrated that there is problem with the so-called liberal policies being created to address labour issues. What can we do about the trends

---

<sup>1</sup> Q: Question or comment from an audience member, identified by name where possible.

toward the weakening of labour unions?

**Q:** Most of the amendments discussed are directed at curbing strikes. Are there any mechanisms in place to address the violations by TNCs?

**Q:** Do the speakers have any comments on current efforts to unionize workers to form new unions in Shenzhen? Could the Zhejiang model possibly work in Shenzhen? What lessons does it have for organizing in the Pearl River Delta?

**Ms. Ha** explained that efforts to get information from workers in TNCs were underway. Vietnam has only one labour union so it is unable to address the new concerns of workers, it will lose its membership and legitimacy.

**Mr. Chan** expressed hope that civil society and the trade union movement would collaborate to support worker struggles all over world. It is important to educate workers on their rights. Worker unions in China are very weak and need support. The state plays a different role in Zhejiang than in Guangdong. The local government is more active in protecting worker rights in Zhejiang.

**Q:** What should be the strategy for labour movements in China in the future?

**Q:** What are the mechanisms that labour organizations in China are using to communicate and learn from each other?

**Q:** How successful have efforts by the government in China been in crushing viewpoints such as the importation of individualism, crushing collectivity, the responsibility of the government to care for its people? Has the government felt it necessary to curb 'invasion' and intrusion into its affairs?

**Q:** The 1954 Chinese constitution granted the freedom of assembly but it was subsequently removed. If we start training workers, we have to follow constitutional law or we will otherwise bring harm to the labour movement because it will have no legal basis. How can we find more dynamic ways to develop China's labour movement all the while avoiding a crack down by the government?

**Ms. Ha** explained that workers have formed their own networks through which to share information and build community movements.

**Mr. Chan** said that it would have been difficult to simply hold this conference in the mainland. If people cannot discuss, there cannot be great change. Experiences in other countries show that it is difficult for independent labour movements to weaken the state. The labour movement has thus far relied on the transfer of experiences through the Internet, personal exchange, and the movement of workers from place to place.

**Mr. Leong** confirmed that despite restrictions, there are labour movements in China. However, they must exist and act differently than in other societies because they do not have the freedom to act beyond the perimeters set by the state.

## **V. Closing Session**

### **Moderated by Earl Brown, American Center for International Labor Solidarity**

Earl Brown began the closing session by saying that the unique function of AMRC is to be open to the voices of workers and allies in an extremely diverse region, to recognize forms of worker solidarity 'outside the box' of Anglo-Saxon labour relations. He welcomed comments and messages of solidarity, after a summary of the conference by AMRC Regional Council member, J. John and closing remarks from AMRC Board member Stephen Chiu.

## **A. Conference Summary**

### **By J. John, Centre for Education and Communication**

Summary of discussion over last two days:

Peter Waterman's paper: Started from a discussion about 'what is work?' There is a concept of the labour value theory. Andre Gorz talks about: Work for economic ends (exploitative), work for one's self, work that is autonomous (non-alienated). He argues that you have to liberate yourself from earlier phases of work. The changing nature of work has a bearing on the changing character of accumulation of capital, which in turn has a bearing on the changing nature of work. Our subject matter here has been on the changing nature of capital and the neoliberal framework, and how it shapes labour processes, mobility of capital, privatization, informalization of work, etc. and on how the IMF, WTO has brought these dynamics into effect in Asia.

Martin Hart-Landsberg gave a description of the shifting of manufacturing from the United States and European Union to Asia, with many Asian countries largely manufacturing components and China manufacturing finished projects. The question is whether this is leading to development in the Asian countries. The quality of life is not improving in East Asia - there is more income disparity, less social protection.

How to organize and how to build solidarity? Our Korean friend Yang Kyung-kyu looked at this from the formally organized workers vs. informal workers. There is an absence or failure from formal unions to organize workers, to challenge neoliberalism. There is more repression going on against the militant efforts of informal workers. A social alliance is necessary to be built by the formal sector. Solidarity must be based on activism.

Elizabeth Tang, HKCTU, spoke of resolve to address self-employed, informal workers.

Ashim Roy, NTUI, points out that globalization does not bring homogenization of labour markets. It also does not bring wage homogenization. It does bring lengthening hours for all workers. He proposes an industry-wide proposal, the Asian Wage Floor proposal, for the garment sector.

Community unions, organizing strategies for informalized sectors, domestic workers, cleaners, attention to the gender issues of these sectors...there is a need for alternative methods that reflect these constituencies.

Dynamic framework to look at the labour movement – it is not static, but needs to be seen as a movement against the dominance of capital. The labour movement is not the sole agency in the struggle against the dominance of capital. The labour movement develops new concepts through the process of struggle, but the interactions with other movements (women’s movement, etc.) must take place.

Waterman has focused on the internationalization of labour solidarity: 1) the emancipation of the whole of working class; 2) labour’s ‘other’ must be addressed; 3) and whether labour is a creative force? Labour solidarity must be seen as a struggle against capital mobility, against capital dominance, against capital accumulation under the neoliberal regime. The new category in labour is precarious labour. There is a resurgence in Asia, even in China.

Network solidarity is the experience of AMRC: the network does not itself organize but supports organizing.

## **B. Closing Remarks**

**Prof. Stephen Chiu, Department of Sociology, Chinese University of Hong Kong, Chair of AMRC Board:** We’ve heard of the ‘death of the labour movement’ from conservatives, throughout the 20<sup>th</sup> century. We’ve heard that collective bargaining has tamed the militancy of the labour movement. The apologists of globalization say that labour market protections are historically unsustainable. They point to the labour shortage on the mainland as evidence that the free market will correct itself, push towards improvements of working conditions. So they ask: Who needs the labour movement? But history has proven this wrong time and time again. Labour has retreated in front of capital, but always returns. It is a dialectical process. Even in Hong Kong, the bastion of capital, there is now a historic strike by construction workers which is receiving support from many sectors. Labour is sometimes down but never out. Uncontrolled capitalism always brings pain to workers, who get sick, injured, and die. Workers have seen intensification of work, and loss of rights to resist this. Many workers only experience the pain as individuals, without ways to share collectively with other workers and do anything about the pain. The answer to this individual isolation is organizing. AMRC is here to support the collective efforts of workers in the region through all its means – research, education, publication, support. AMRC has been retooling itself in the last 10 years to assist new forms of worker organizations. How to organize in difficult conditions, to persist against all odds. We have learned a lot in the last two days, and we must consolidate and build on the solidarity we’ve experienced to assist the dignity and security of workers throughout Asia.

## **C. Solidarity Messages for AMRC**

**Josie Mooney, Assistant to President, Service Employees International Union (SEIU):** We are the largest union in America – with 1.9 million members– but we face many problems. Unorganized workers, social problems, many of the same problems you face in Asia. We in

America need to continue learning from you. Our cultures are different but our employers are the same, so we'd better have one strategy. We should join our resources and talents together. (Presentation of plaque to Apo from SEIU.)

**Junya Yimprasert:** A tribute and gift from Thai Labour Campaign.

**Melody Kemp:** A tribute and gift from the Lao Writers Group.

**Rosalinda Ofreneo, SE Asia Homenet:** Tribute to AMRC for building of labour solidarity, based on respect of diverse strategies, recognizing the different needs of formal and informalized workers. This is a way for marginalized workers to have a space to make contributions, receive recognition for our efforts.

**Rex Varona, Asian Migrant Centre, Hong Kong:** Tribute to the whole AMRC network. The best tribute we can make is workers' actions, particularly those workers who are most vulnerable. Organizing the migrant workers in Hong Kong; protesting at the WTO conference, etc... The Thai government has just banned migrant workers from using cell phones or using motorcycles, and imposed an evening curfew. Now we are taking action against the Thai government and AMRC is supporting us.

**Peter Waterman:** I've given Apo a book, a critical book about the World Social Forum. This gift is a Trojan horse - it carries two proposals within it: 1) Those in this network should start an internet discussion on the themes raised at this conference, and/or start a magazine (AMRC may need to find the right funder); and 2) AMRC and friends should produce a global (or an Asian) Labour Charter, inspired by the women's movement, for which there is a Women's Global Charter for Humanity (not just for women, but for humanity). Our movement should not just address itself to the needs of workers, but to all of humanity. The character should be subversive of the hegemonic control of labour. It should be updated by region, industry, sector. This is sorely needed.

**Maaïke de Loor, Oxfam Novib:** I find you very sexy! It is our honour to support AMRC and many other initiatives in Asian labour movement. There are quite some challenges, but for Oxfam Novib, labour is still a sexy issue. The word 'interdependence' is a very strong for me, after these last two days. The solidarity and interdependence of workers is obviously necessary. I also raise the question of consumers, and also transnational corporations. I just read an article: 'Globalization is the Trojan Horse' about production with tainted or toxic substances. This is now waking up consumers all over the world, and has become a number one issue in recent weeks. There are always new opportunities facing us as we confront serious challenges.

**Daisy Arago, Center for Labour & Human Rights, Philippines:** Rights may not be a sexy issue, but it is always paid attention to by the capitalist side. In talking about alternative ways of organizing, given informalization of labour, we should look at creative and alternative

ways to bring in all workers. But at the same time, we have an urgent task: that of organizing trade unions, of strengthening the rights of trade unions to challenge globalization. Unions must remain the main institutional challenge to capital. AMRC has a wealth of experience of working people and organizations in Asia, and also in bridging the gaps between south and north. I'd suggest to the AMRC Board, that there is a missing link in terms of documentation of the pains and daily struggles of workers... not just in transnational corporations, but all forms of marginal work. We need to strengthen organizing of workers at the local, national and international channel, particularly by strengthening our own national organization because this will determine the strength of the movement over-all. Let's restore the power of trade unions, even as we face the problems in them.

**Ashim Roy:** AMRC was an optimist in the 1990s, when it was a difficult period, to build up independent and democratic unions. I personally have valued seeing the development of an Asian labour perspective. The change of the Asian labour movement will fundamentally transform the global labour movement, particularly when the China labour movement can become strong.

**Pam Tau Lee:** Presents a gift from the OSH Program at University of California, Berkeley with thanks for work over the years.

**Manrico Moro, Australia Asia Worker Links (AAWL), Australia:** Thanks to AMRC for putting up this conference, which has been very exciting and rich with learning. It allows us to help make strategies. Let's recognize that there is a lot of bravery shown by AMRC to put on a conference like this, with this title, in Hong Kong. The organizers are brave. We invite you to the Latin America and Asia Pacific International Solidarity Forum which is being organized in Melbourne in October 2007 by a number of solidarity groups, including AAWL. The Australian government has eliminated nearly all labour rights, and it is pushing us to recognize the need for internationalization.

**Xiao Ying:** Reads a poem of thanks to AMRC.

**Tim Pringle:** Wants to give credit to many others who have served AMRC so well (reads list of staff and interns: Sanjiv, Omana, Dae-oup, Sharon, Selvin, Doris, Ed, May... to wild applause).

**Jazminda Lumang, IBON:** Philippines: Reads tribute. AMRC was the first organization to respond to request for our initial outreach. Critical research, support for networking. Particularly their work in China has been invaluable. The Asia Pacific Research Network (APRN) Conference on China's entrance to the WTO was assisted profoundly by AMRC assistance. AMRC work against neoliberal globalization, organizing the protest of WTO round in HK, this conference are critically important. AMRC has helped us launch internationally coordinated campaigns, shared strategies to multiply our efforts. They help to research but also break down information to make it accessible at a popular level to workers.

**Li Yuxin:** Words of thanks to AMRC.

**Hilde, Oxfam Solidarity Belgium:** Learned about AMRC 5 or 6 years ago. I rely on the website.

**Jagdish Patel, PTRC and ANROAV:** Thanks to AMRC for supporting us, throughout Asia. You have allowed us to come together on a common platform, share experiences and push the moment forward. You've given worker victims hope.

**Surya Tjandra, TURC Indonesia:** AMRC has contributed to organizations, but also to individuals. I am a lawyer, but AMRC gave me something different – I used to work for legal aid, but now we've opened a centre, an idea I got from AMRC.

**Athit Kong, Cambodia, Garment Workers Union:** We know AMRC from Oxfam introduction. I have good opportunity to learn from AMRC about capitalism, OSH, how to organize. Also it has been a good opportunity to meet workers in China. I am grateful.

**R. Sreedhar, Minerals, Mines and People Workers, India:** Our hope is that our labour work is sustainable, and AMRC helps guarantee that. The larger network that AMRC has created, enabling us to learn about China, especially in comparison to India.

**Irene Xavier, TIE-Asia:** I want to thank AMRC for creating networks where trade unions and NGOs can comfortably work together. We wish you a long life and hope you will be very productive (have lots of children).

**Zeng Fei Yang, China:** We are honoured to be here. 30 years is a long road, for an NGO it is exceptional. It is a mirror for us, to reflect on our experience in China in the last 10 years, of making drastic changes. The labour movement isn't dead. How we define the labour movement is when workers continue to struggle for their rights against exploitation. This is spontaneous. We don't need outside forces. I have other colleagues here. 5 years ago there was nothing, you would never have Chinese organizers at meetings like this. Now we have NGO representatives here. With the support of AMRC we have made excellent progress. This is a good beginning. Now the question is how to organize. How do you support and nurture the workers who naturally want to organize. They know the way, once the doors are open. There need to be channels. Let us see what we can do in the next 30 years. Let us remind ourselves that we have to work hard.

**Anoop Sukumaran, Focus on Global South:** We have existed for the last 10 years, thanks to AMRC for your support.

**Lucia, CAW:** We have 43 member organizations. As long as you prosper, we will prosper. When I say many more years to you, it means many more years to us as well.

