



Non-Governmental Public Action Programme

Published on 31 July 2008
ISBN: 978-0-85328-307-2

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Trade Unions in Russia, China and Vietnam: From Governmental to Non-Governmental Public Actors

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British Library Cataloguing in Publication Data
A catalogue record for this publication is available from the British Library.
ISBN: 978-0-85328-307-2

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State-socialist trade unions¹

Trade unions in state socialist countries nominally represented the interests of the whole of the working class, under the leadership of the Communist Party, and as such were an integral part of the Party-state apparatus. The primary functions of the trade unions were to maintain labour discipline, encourage the production drive and administer a large part of the state housing, social and welfare apparatus, the benefits of which were delivered through the workplace as a means of stimulating labour motivation. The trade unions were primarily an instrument for controlling the working class, but they did play some protective role in the workplace, representing individual workers in the event of disputes over such management failings as the miscalculation of wages or pension entitlements or illegal punishment by the employer. In theory they were also supposed to enforce the protective clauses of the labour law or relevant regulations and to maintain minimal standards of health and safety at work. In practice these tasks were often overlooked as the priority of production over-ruled all other considerations. Overall, the role of the trade unions was to harmonise the interests of labour and management rather than to represent the interests of their members in opposition to management.

It is important to emphasise that state socialist trade unions were fundamentally different from trade unions in a capitalist society, however much the latter might collaborate with employers and be integrated into corporatist structures of participation. State-socialist trade unions were not merely integrated into state structures, they had a directive rather than a representative role and they played virtually no part in the regulation of the employment relationship, since the terms and conditions of employment were determined administratively by the state.

The transition to capitalism in the former state socialist countries has transformed the environment in which the trade unions operate and has undermined, to differing degrees, the pillars on which their activity was constructed. In particular, the transition from a command economy to a market economy removed the enterprise from direct state control so that trade unions, at least in the workplace, ceased to be agents of the state

¹ This paper is based on the interim findings of a research project 'Post-Socialist Trade Unions, Low Pay and Decent Work: Russia, China and Vietnam' funded by the Economic and Social Research Council within its Non-Governmental Public Action Programme (Grant RES-155-25-0071). For further details on Russian trade union see Ashwin and Clarke, 2002 and Clarke 2007. On China see Taylor, Kai and Qi, 2003 and Clarke, Lee and Li, 2004, Clarke, 2005. On Vietnam see Clarke, 2006 and Clarke, Lee and Do, 2007.

regulation and control of the labour force, but instead mediated the relationship between the labour force and the employer. The corollary of this structural transformation was the transformation of the trade unions from governmental to non-governmental organisations, from agents of the state to representatives of employees, although in China and Vietnam, unlike Russia, the trade unions have continued legally and constitutionally to function as representatives of the interests of the whole of the working class, under the leadership of the Communist Party.

In this paper we want to examine the experience of the trade unions of the three countries over the past twenty years and ask to what extent they have reformed their structures and practices in response to the structural changes in the character of employment relations. We also ask how well these organisations have adapted to their new role of representing the interests of employees and upholding contractual rights bestowed on employees by the introduction of formal, national labour laws. In particular, we want to scrutinise the role of labour activism in driving forward such reforms in each country. In other words, to what extent and under what pressures have trade unions in the three countries been able to transform themselves into 'real' trade unions?

The transition to a socialist market economy

The first stage of the integration of the state-socialist regimes into the global capitalist economy in all three countries was marked by reforms in the system of economic management introduced in the mid-1980s, which were later rationalised as an attempt to introduce a 'socialist market economy'. While private entrepreneurship and foreign investment would be permitted, or even encouraged, medium and large enterprises would remain under state ownership but would be freed to determine their own economic activity, subject to the penalties and rewards of the market. This involved the replacement of the administrative-command system by market relations and the devolution of decision-making to the enterprise. However, wage rates in state-owned enterprises continued to be determined centrally, although enterprises acquired some discretion in hiring and firing and in the payment of bonuses from their own funds.

The theory of the 'socialist market economy' maintains that the state enterprise continues to be a unitary body, securing the social reproduction of its labour collective and serving the interests of society as a whole. In the Soviet Union and China the transition to the 'socialist market economy' entailed a reduction in the authority of the Party in the workplace and the resurrection/introduction of workplace 'democracy' to supplement or replace the weakened monitoring role of the Party-state, to harness the initiative of workers and to check managerial corruption and incompetence.

According to the theory, there is no conflict of interests between management and labour in the 'socialist market economy', because managers are not the representatives of capitalist owners, but the custodians of the interests of the enterprise as a whole. This led to a considerable ambiguity regarding the role of the trade union. The trade union was not supposed to represent the interests of employees in opposition to the employers, but was still supposed to represent the interests of the entire 'labour collective' (*danwei* or work unit in China), the enterprise as a whole. Nevertheless, the Soviet Trade Union Law of December 1990 defined the role of trade unions as being the defence of the socio-economic and labour rights of workers. Article 2.1 of the 1990 Vietnamese trade union law defined the responsibility of the trade union to 'represent and protect the rights and legitimate interests of the workers', while in China the trade unions were supposed to 'represent' the legitimate rights and interests of workers and staff members' (1994 Labour

Law, Article 7, and 2001 Trade Union Law, Article 6), although at this time in practice in both countries trade union membership was still confined to state enterprises.

The trade unions (and behind them the Party) in all three countries were well aware that the transition to a socialist market economy implied that they would have to play a more active role in representing the distinctive interests of workers in the transition. Reform stimulated workers' aspirations, which were often thwarted by increasing inequality and insecurity and, above all, a sense of injustice, leading to increasing levels of spontaneous worker protest outside and on occasion against the official trade unions. In all three countries there were moves to declare the independence of the trade unions from the Party-state. In China the subordination of the trade unions to the Party-state has not gone without question. During the early 1950s the question of the independence of the trade unions in the new China was a matter for debate, and the All-China Federation of Trade Unions (ACFTU) vainly tried to assert an increased measure of independence again in the mid-1950s and the mid-1960s. The issue was raised once more in the 1980s, as the impact of economic reform made itself felt, with inflation eroding living standards and an increase in wildcat strikes and protests highlighting the failure of ACFTU to protect its members' interests in the face of economic reform (Howell 2003: 113). The 11th ACFTU Congress in October 1988 called for "drastic changes", including greater independence for the unions to enable them to head off the threat of independent worker organisations. The ACFTU supported student demands for negotiation with the government in 1989, but the crackdown after Tiananmen, which was particularly directed at independent worker organisation, immediately closed off the avenue of trade union independence and brought ACFTU firmly back under the wing of the Party (Wilson 1990). In Russia the All Union Central Council of Trade Unions (VTsSPS) declared its independence of the Party-state as early as 1987, although at this time the change reflected the desire of the conservative trade union leadership to dissociate itself from more radical economic reform rather than any aspiration to transform the trade unions into more representative bodies. The independence of the trade unions from the Party was sealed in 1990 by the amendment of the Soviet Constitution and the passage of the Soviet Trade Union Law, which decreed that 'trade unions shall be independent of state or economic bodies and of political or other public organizations, they shall not be accountable to such bodies or subject to their control' and (perhaps inadvertently) established trade union pluralism. In Vietnam the trade unions declared a degree of independence from the Party-state at their

1988 Congress, although their role was still defined legally and constitutionally as being under the leadership of the Communist Party.

The fact that the ambiguous status of the trade union, as representative of employees and at the same time as representative of the enterprise as a whole, did not come to the fore is partly a result of the fact that trade unions still played no part in the determination of wages, but it is also indicative of the degree to which the trade union continued to be integrated into the management structure (Ashwin and Clarke 2002: Chapter Eight; Chan 2000: 39; Ding, Goodall and Warner 2002: 445–7; Taylor, Chang and Li 2003; Zhu Y. 1995; Zhu and Campbell 1996). Far from undermining this integration, the transition to a 'socialist market economy' if anything deepened the dependence of the enterprise trade union on management because the trade union was no longer able to rely to the same degree on the authority of the Party committee to back any assertion of independence from management, while it had not been able to develop a new basis for its authority in the collective organisation and collective representation of employees.

The idea that harmony could prevail in the socialist market economy was shattered in 1989 by the eruption of radical workers' protests in the Soviet Union and the willingness of workers to join, influence and defend the pro-democracy protests in China. In both cases, the workers' protest was launched outside and against the established trade unions, with the formation of independent worker organisations, bringing to the fore the fact that the official trade unions were not able to articulate the grievances of their members. The reaction of the Party-state to these events in Russia and in China was very different, which had important implications for the role of the trade unions in the transition to an unambiguously, even if in China as yet undeclared, capitalist market economy.

In Russia, having rejected conservative pressure for repression, Gorbachev sought to harness the workers' protests to generate pressure for 'perestroika from below' through the reform of the trade unions, which implied the democratisation of trade union structures and an end to the 'democratic centralism' that had secured their subordination to the Party (Ashwin and Clarke 2002: 30-33). In the coal-mining regions new trade union elections were held with the aim of bringing the leaders of the strike committees into the trade union apparatus to provide the latter with new blood although, as the renewed strike wave of 1991 showed, the radicals were soon assimilated into the

bureaucratic trade union apparatus (Clarke, Fairbrother and Borisov, 1995, Chapter Two). In practice the reform of the trade unions at the end of the 1980s had only a marginal effect, even the unions' official history acknowledging that changes on the ground were few and far between as officials continued in their habitual ways (Gritsenko, Kadeikina and Makukhina 1999: 316 –20) and militant workers created their own 'alternative' trade unions. More significantly, the strike waves of 1989 and 1991 destroyed the myth of the 'socialist' market economy and heralded the transition to a fully capitalist market economy in the wake of the collapse of the Soviet Union.

In China, the reaction to the workers' involvement in the democracy movement, which had not extended to large-scale strike action, was one of a tightening of control over non-governmental organisations and the severe repression of any attempts to organise outside the official trade unions. The official trade unions, which had acquired a degree of independence and some of whose cadres had participated in the protest actions, were immediately brought under much stricter Party control (White 1996; Li 2000 Chapter Three; Taylor et al. 2003 Chapter Two). At the same time, however, the Party-state also appreciated the importance of the unions as a means of maintaining social and political stability in a period of rapid social change, so the official trade unions' status was increased. Their strict subordination to the Party did not necessarily imply that they would serve merely as an instrument of the state. ACFTU President Ni Zhifu noted after the Tiananmen events, anticipating developments to come, that '[t]he trade unions must avoid simply acting as agents of the government and work independently so as to increase the attraction to workers and enjoy more confidence from the workers, leaving no opportunity to those who attempt to organise "independent trade unions"' (Xinhua News Agency, 25 July 1989, cited Ng and Warner 1998: 55). Thus, by 1992 the ACFTU was lobbying actively for measures to protect workers' interests and promoted its own position in debates regarding the legislative and policy framework of reform, with considerable success (Chan 1993: 52-5). In particular, ACFTU pressed strongly for the collective regulation of labour relations, against their regulation on the basis of individual contracts that was favoured by the Ministry of Labour, and provision for collective contracts was made in the new 1992 Trade Union Law (Ogden 2000; Clarke, Lee and Li 2003).

The Tiananmen events in China initially brought reform to a halt, as the conservative elements in the leadership gained the upper hand. However, following Deng's Southern

Tour in 1992, reform was resumed at an accelerated pace, with the official proclamation of the 'modern enterprise system', a euphemism for the 'modern capitalist corporation'. While foreign capitalists had already been welcomed and private capitalists encouraged, now state enterprises would be transformed into independent state-owned corporations. It was not long before corporatisation was followed by privatisation, as the shares in publicly owned corporations and Township and Village Enterprises (TVEs) began to be sold off, with only the commanding heights of the economy to be retained in state hands. In Russia, too, the 1989 events strengthened the hand of the conservative opponents of perestroika, but after two years of prevarication, the failure of the putsch of August 1991 opened the floodgates of reform. In both China and Russia, the decentralisation of state management of the economy had stimulated the appetite of some enterprise directors for independence and provoked widespread dissatisfaction among workers, which was directed not at enterprise management, but at the state as the ultimate employer. The response of the state was not to reverse economic reform, to take matters back into its own hands, but to abdicate responsibility for the management of state enterprises and to initiate a programme of corporatisation and privatisation that would seal the independence of enterprise management and give them full responsibility as employers for their relations with their employees (Clarke 1990).

Vietnam initiated the process of reform (*doi moi*) in December 1986, but proceeded more cautiously than did China and the Soviet Union in the reform of state-owned enterprises as the legalisation of private enterprise resulted in a rapid growth of small businesses in agriculture and services. However, state-owned enterprises came under severe pressure at the end of the decade as they faced subsidy cuts in the wake of the withdrawal of Soviet aid. Between 1988 and 1992 almost a third of SOE workers, 800,000 people, predominantly women and mostly from small SOEs, were laid off without, it seems, provoking significant protest as many of them returned to the countryside or found jobs in the booming new private sector (Klump and Bonschab, 2004, 31). The Vietnamese regime observed the political turmoil in the rest of the Communist world in 1989 and reversed its tentative political liberalisation, but did not experience significant worker protest and did not relax control of the state sector of the economy.

In Russia the soviet administrative-command system of management collapsed while in China, and more gradually in Vietnam, the transition to a 'socialist market economy' cautiously but inexorably developed into a transition to a capitalist market economy, with

centralised regulation of the enterprise being replaced by managerial autonomy in economic decision-making. Whatever the form of its ownership, the reproduction of the enterprise was immediately conditional on its ability to cover its costs and to realise a profit to finance its future development, although bank lending continued to sustain many an unprofitable enterprise in China and Vietnam. The erosion and abolition of the institutions of workplace democracy implied an increasing role for the trade union as representative of the interests of the employees of the enterprise in negotiation with enterprise management (Zhang, 1997). However, to fill this role effectively would imply a radical transformation in the character of the enterprise trade union.

Employment relations in a capitalist market economy

The transition from a 'socialist' to a fully capitalist market economy was marked by the gradual withdrawal of direct subsidies and the removal of the remaining administrative control of state-owned enterprises, marked by their transformation into joint-stock companies and increasingly by their subsequent privatisation. This meant that henceforth managers had to ensure the solvency, if not the profitability, of the enterprise on the basis of its economic activities.

The transition to a capitalist market economy had fundamental implications for the employment relation in state-owned enterprises. In place of the traditional employment for life as a servant of the state, the employment relation would become a contractual relation between the employer and the employee, and this is necessarily a relation between two parties who have conflicting interests, with clear implications for the role of the trade union. In all three countries a raft of legislation was introduced during the 1990s to regulate the employment relation, including labour laws which prescribed the minimum terms and conditions of employment in some detail, trade union laws which defined the role, rights and obligations of trade unions, and labour dispute settlement procedures. In all three countries provision was made for binding collective agreements to be signed between the employer and employee representatives, and in Russia and Vietnam, though not in China, the laws defined quite stringent conditions under which it was possible for a trade union legally to call a strike. In all three countries the passage of the legislation was by no means a formality, and the trade unions in each case were very active in pressing for their favoured clauses.

The passage of legislation allowing trade unions to play a more active role in representing their members is indicative of the influence of progressive-minded individuals within the trade unions, but it was by no means a sufficient condition for the reform of trade unions with a view to assuming such a role. Left to themselves, there was no particular reason for the trade unions to change. They could comfortably perform their new role of representing the lawful rights and interests of employees through their traditional channels and using their traditional methods, lobbying the state for protective regulations and protective legislation, even if such laws and regulations were honoured more in the breach than the observance. Moreover, the continued use of these traditional methods depended on the trade unions retaining the favour of the state apparatus and

continuing to subordinate themselves to state policy even where, as in the case of Russia, the trade unions had nominally acquired political independence. In China and Vietnam the subordination of the trade unions to the state was expressed in the continued constitutional subordination of the trade unions to the Communist Party, in Russia it was expressed in the trade unions' commitment to the strategy and practice of 'social partnership', a commitment that was secured by the aggressive employment of sticks and carrots by the Yeltsin regime and regional administrations.

The Russian trade unions initially disposed of the income of the state social insurance fund, which they administered, and had enormous property, including prestigious office blocks and associated hotels in the centre of every city, and virtually the whole of the domestic tourist complex. The Chinese and Vietnamese trade unions received a substantial income as a levy on state employers, regardless of trade union membership, and had substantial property and commercial interests. Trade union officials could enjoy a comfortable existence continuing to work in traditional ways, issuing instructions, passing around pieces of paper, writing reports, attending meetings, participating in ceremonies and celebrations, working with management to administer the social welfare apparatus of the enterprise and collaborating with state legislative and regulatory bodies and government officials. They had little interest in the hard and often dangerous work of encouraging the greater activism of enterprise trade unions or trying to organise the unorganised. Above all, they did not want to take the risk of articulating conflict that might provoke the social unrest that it was their role to neutralise and contain. Pressure for change in the trade unions was most unlikely to come from within their own apparatus. To identify the sources of such pressure we have to look outside the trade unions, to the pressure of worker activism from below and to political pressure from above.

State enterprise restructuring, worker activism and trade union reform

The transition to a capitalist market economy in all three countries led to a considerable increase in worker activism, initially primarily in state and former state enterprises, where workers faced a significant deterioration in status and in the terms and conditions of their employment. These were enterprises and organisations in which the traditional trade union was well established and was closely integrated into the management apparatus. In these circumstances it was most unlikely that the workplace trade union would articulate the grievances of the workers and organise resistance to management policy, let alone organise or even sanction overt worker protest, and indeed worker activism was primarily expressed in 'spontaneous' strikes and street protests, often organised in Russia by the new 'alternative' trade unions and in China and Vietnam by informal leaders.

In Russia, the strike waves of 1989 and 1991, which had done so much to bring the soviet system crashing down, had given the impression of a powerful workers' movement, but they had spread so fast and had such a dramatic impact not because of the organisational capacity of the new workers' movement, but because the strikes had been harnessed by enterprise directors and regional political leaders in the bid to extract resources from the centre (Clarke, Fairbrother and Borisov, 1996, Chapters 2-4). The principal strike waves of the 1990s involved public sector workers, primarily health and education workers, who were still paid from federal budget allocations on national pay scales, and coal-mining, which depended on massive state subsidies to maintain the high wages of the coal miners, and were promoted as much by the employers as by the trade unions in the bid to extract money from the government. Once the coal mines were fully privatised, subsidies removed and sectoral bargaining replaced by enterprise bargaining, the coal miners' union lost its bargaining power and the occasional strikes were confined to single mines. The actions of public sector workers were similarly damped down by paying off wage arrears, providing for greater regional flexibility in wage-setting and, as in the coal mines, by taking tough disciplinary measures against managers who encouraged strike action, though the public sector unions continued to organise annual 'days of action' involving pickets, protest meetings and occasional work stoppages until Putin introduced his 'National Projects' for health and education, which allocated federal funds for salary increases in priority areas, in 2005. Beyond these sectors, militant worker

activism was largely confined to narrow strategically located professional groups, particularly in transport (pilots, air traffic controllers, dockers, bus and train drivers), pursuing their sectional interests through the alternative unions established to represent them on a professional basis (Clarke, Fairbrother and Borisov, 1996, Chapters 5-7). The most dramatic strikes of the 1990s, which occasionally involved armed confrontations, were associated with struggles for the control of privatised enterprises, with either the incumbent management or prospective new owners mobilising the workers in their support (Clarke and Kabalina 1995; Clarke and Pulaeva 2000).

During the 1980s and 1990s the main challenge of worker activism in China was posed by the reform of state enterprises, which provoked protest actions as large numbers of workers were laid off and state enterprises were unable or unwilling to pay social insurance and redundancy payments and even wages. Privatisation only exacerbated these tensions as new owners asset-stripped state and former state enterprises, leaving the enterprise as a debt-burdened shell while they amassed profits elsewhere. Protests by state enterprise workers had the potential to pose a particularly serious challenge because of their strategic location. On the one hand, the state enterprises facing large-scale redundancy and closure were concentrated in cities in the core industrial regions of the country. On the other hand, the workers being laid-off and deprived of their birth-right were the traditional core of the Chinese working class who were supposed to constitute the leading element in the country. Many of these workers, particularly in North-East China, appealed in their protests to traditional values of post-liberation China such as 'equality', 'honesty' and 'selflessness'. As such their support for 'Chinese socialism' constituted a potential threat not so much to the rule of the Chinese Communist Party as to the current Party leadership, which had chosen the reform path away from those traditional values. Laid-off workers are also most likely to direct their demands directly to the government rather than to the management of the enterprise, which makes their protests potentially particularly dangerous for the authorities.

The crackdown after Tiananmen and a significant rise in wages in SOEs in the early 1990s seem to have kept the lid on protest in SOEs in the first half of the 1990s, but protest escalated from the middle of the decade as reform and associated lay-offs and non-payment of wages and benefits by insolvent enterprises moved beyond small to large SOEs. Early protests took the predominant form of petitions, but by the end of the century more radical forms of protest had become the norm, involving peaceful

demonstrations blocking roads or access to buildings and appealing to the local government to act to redress the workers' grievances. Protest by SOE workers was met locally by a mixture of carefully targeted repression and broad concession, the balance between the two depending on the character of the protest, the resources available to the local authorities and the political sympathies of the local state (Hurst 2004), but generally the state handled protests carefully for fear that repression would provoke further protest and even strikes. The most severe repression has been reserved for protests which involve workers from more than one factory, most notably in Liaoyang in 2002, where two of the protest leaders received long prison sentences.

Combined with the effects of the Asian financial crisis, the upsurge of protests temporarily slowed SOE reform at the end of the century. The threat of protests provoked by lay-offs was further averted not by trade union intervention but by measures to spread the load and facilitate the redeployment of those laid off. Many redundant workers were offered early retirement. Workers designated to be laid off were kept on the payroll and paid a small allowance for up to three years, during which time many took on other work. Re-employment centres were established in SOEs to provide training and job placement, with the trade unions being assigned a significant role in administering these schemes, and tax-breaks were offered to enterprises which re-employed laid-off workers. These measures seem to have been effective in averting and damping down protests associated with SOE lay-offs, which might otherwise have become explosive.

Protests by laid-off workers tend to constitute a one-off threat associated with the first stage of SOE reform, albeit one which is politically dangerous because large numbers of workers take to the streets and can provide a nucleus for wider protest. However, the reform of SOEs also opens up new lines of conflict within the enterprise as those workers who remain in work face the erosion of their social and economic status within the enterprise and there are signs that workers employed in privatised SOEs are becoming more militant.

In Vietnam, the mass lay-offs of SOE workers in 1988-92, which mostly involved small local SOEs, appear to have proceeded without significant protest, despite the consequent increase in unemployment, and since then the scale of layoffs from SOEs has been relatively small. The Vietnamese Labour Code provides for redundancy compensation

and, in the event of mass lay-offs, requires that the trade union should be consulted and the local labour bureau notified one month in advance.

The Vietnamese authorities have proceeded cautiously with SOE reform, rationalising predominantly through mergers and sustaining SOEs through credit from state banks, debt write-offs and tax remission. Corporatisation ('equitisation') and privatisation since 1999 has mainly been directed at smaller and more competitive SOEs, so that the larger SOEs in 'strategic' sectors have largely been untouched, though some have faced competition from new entrants (Klump and Bonschab, 2004). This cautious approach to SOE reform in the context of rapid general economic growth has meant that employment in the state sector has increased steadily since the early 1990s and lay-offs have not been a major issue, while rising SOE wages seem to have smoothed over tensions that might be created by increasing pay differentials.

Worker activism in former state-owned enterprises in all three countries was largely contained through the 1990s without the trade unions being forced to undertake any radical reform of their structures and practices. Worker activism was on a larger scale in Russia, which is not surprising given the depth of the economic crisis in that country and the scale of the deterioration in living standards and employment security, but worker protest was largely directed at the government, not employers, and was mostly channelled by the trade unions into peaceful symbolic protests and demonstrations. Moreover, privatisation and the decentralisation of government financing depoliticised the protest by removing the federal government from the firing line, while the deteriorating labour market situation enabled employers to intimidate workers and contain their protest. The result was that the traditional trade unions were able to consolidate their position within the new political system and continue in their traditional way as 'social partners' of government and employers.

In China and Vietnam protest by SOE workers was contained by the cautious approach taken by government to state enterprise reform and by provisions made for the compensation and redeployment of redundant workers, with the fear of redundancy being a significant restraining factor for those who remained in employment.

In all three countries the trade unions were made well aware by the political authorities of their responsibility for containing worker protest and maintaining social peace and this

included the trade unions being encouraged to play a more representative role in the workplace. However, in all three countries the trade unions carried out this role not so much by articulating the workers' aspirations in the form of demands on management as by, in the best of cases, putting forward what the trade union regarded as 'reasonable requests' and communicating and rationalising management's decisions to workers (Ashwin and Clarke 2002, Chapter 8; Clarke, Lee and Li 2004; Clarke, Lee and Do, 2007).

Industrial conflict and trade union reform

While the trade unions and governments in all three countries weathered the potential storm of protest provoked by enterprise restructuring in the 1990s, directed primarily at the government, new forms of industrial conflict typical of a capitalist market economy were developing as employers sought to withstand competitive pressures and to profit by holding down wages, intensifying labour, extending the working day and economising on health and safety provisions.

In Russia the integration of the traditional trade union into the management apparatus has meant that such conflict has usually been harnessed by the alternative trade unions. On the rare occasions in which collective unrest erupts into strike action this has most often been taken despite the traditional trade union and often in face of the overt opposition of the trade union, which, if it does not ignore the dispute, seeks to confine it within 'constitutional' judicial channels. Even where the enterprise trade union has itself initiated or supported a strike, it often finds its call opposed by higher trade union bodies, whose collaboration with the state apparatus is conditional on their ability to maintain social peace. The result is that strikes are much more likely to be spontaneous, usually without going through the prescribed legal procedures, and supported, and more rarely initiated, by alternative trade unions.

Most alternative trade unions in Russia have been born in the heat of such struggles, organising workers who have been disillusioned by the passivity of the traditional union, particularly small groups of workers in relatively privileged occupations who have some bargaining power. However, once the moment of struggle has passed it proves extremely difficult to sustain such an alternative trade union in opposition to management and to the traditional union. The result is that most alternative unions either fade away to a small nucleus of embattled militants, or find an accommodation with management and degenerate into a 'yellow' company union. In Russia today the alternative trade union movement finds itself at an extremely low ebb. The Independent Miners' Union, which was the heart of the movement, has virtually disappeared. The trade unions of dockers and of air traffic controllers, originally formed as breakaways from the traditional sectoral unions, are engaged in a possibly terminal struggle for survival. The independent trade union of Ford workers in Vsevolozhsk, Leningrad region, is the only success story on which the alternative unions can pin their hopes, but attempts to build out from this

example have so far had very limited success. Nevertheless, the alternative trade unions have acted as a spur to the traditional trade unions in harnessing worker activism. As Mikhail Shmakov, FNPR President, has acknowledged, 'in general the existence of the alternative trade unions is even helpful. Competition does not allow us to stagnate' (*Vesti FNPR*, 1–2, 1999, p. 60).

Since the turn of the century the focus of strikes and worker protest in both China and Vietnam has been in the new private and foreign-owned sectors, which employ vast numbers of migrant workers in poor working conditions, forced to work long hours for minimal wages (Chen 2006). The capacity of these migrant workers to strike has been considerably increased in recent years as labour shortages have emerged in the export-processing zones so that workers have little fear of losing their jobs. In many of these enterprises there is still no trade union, and where there is a union it is in the pocket of management and makes no effort to defend the interests of the workers.

According to the available information, most strikes in both China and Vietnam are organised by informal worker leaders, and strikes are often announced by distributing and posting leaflets around the factory. These leaders tend to be experienced workers, often holding supervisory positions, and, at least in China, usually rely on home-place networks in the organisation of strikes. In Vietnam there are some cases in which the informal leader collaborates covertly with the official trade union leader, even holding regular meetings, and the official leader can exploit threats of unofficial action to negotiate with management. In neither country do informal leaders declare themselves, let alone take on official trade union positions, not least for fear of victimisation.

Faced with growing industrial unrest the trade union and the Party-state are forced back into a fire-fighting role. In Vietnam the local office of MOLISA generally takes the lead, persuading the management to meet the workers' demands, at least to the extent that the strike has been provoked by legal violations, while the local VGCL representative encourages the workers to return to work, before the strike spreads to neighbouring enterprises. The police will also be called to maintain order as the workers spill out onto the streets. It is rare for there to be any police action against strikers, although strike leaders, if identified, may subsequently be victimised by the employer. Over the past three years the strategy of containment has been less successful, and strike waves have regularly spread like wildfire across the industrial zones.

While there is a recognition, at least by the employer and MOLISA representatives, that the failure of VGCL to monitor the enforcement of labour law and to represent its members is a major cause of illegal strikes, the attention of the Party-state has focused on the reform of the dispute resolution procedure, on the grounds that illegal strikes occur because the existing procedure is too complicated and long-drawn-out. After long debates, the amendment of Chapter 14 of the Labour Code was passed by the National Assembly on 29 November 2006 to come into force on 1st July 2007. The amendment is supposed to clarify and simplify the procedure for calling a legal strike (and for declaring a strike illegal). It may be a little early to judge the effectiveness of the reform, but new waves of strikes broke out in the South in October 2007, involving 30,000 workers at 38 enterprises (AFP, 16/10/2007), not one of which was a legal strike. The number of officially recorded strikes increased from 147 in 2005 to 387 in 2006 and 540 in 2007. While the Chinese government relied on severe repression of the supposed leaders, backed up by concessions to the workers, in dealing with the large-scale protests of laid-off state enterprise workers in Liaoning as recently as 2002 (Chen 2002), the balance between repression and concession has markedly shifted towards the latter in the last five years. The typical response of the authorities to strikes in the coastal regions today, as in Vietnam, is to try to settle the dispute as quickly as possible and contain the strike before it spreads to neighbouring enterprises. As in Vietnam, it falls to the local administration to encourage the employer to make concessions and to the local trade union to persuade the workers to return to work, thus performing a mediating rather than a representative role. In China the policing of strikes, which are often associated with marches to the local government offices, is more aggressive than it is in Vietnam and alleged strike leaders may be detained by the police for up to 15 days and subsequently dismissed and blacklisted by employers (or they may be bought off). The principal risk is that the Chinese Party-state will abandon attempts to contain labour unrest through reform and resort to repressive measures. While lower level county governments may resort to brute force to temporarily contain unrest in certain circumstances, it is extremely unlikely that a policy of nationwide repression will be adopted against labour - as it was against Falungong, for example. In both China and Vietnam even quite naïve and innocent attempts of workers to create their own union organisation are blocked in favour of the establishment of an official union from the top down. Any attempts to organise workers independently which go beyond the boundaries of the enterprise are ruthlessly suppressed in both countries.

The strikes in the new booming capitalist industries in both China and Vietnam have been steadily increasing in scale and extent, so that 'collective bargaining by riot' (Hobsbawm 1964: 6-7) has become the normal method by which workers defend their rights and interests. Workers have developed a very good idea of what they can get away with and how far they can go, so that short sharp strikes and protests have become an extremely prompt and effective way of redressing their grievances. Moreover, not only are the strikes in the coastal regions increasing in scale and number, in both China and Vietnam they are increasingly spreading beyond the enterprise in which they first broke out to other neighbouring enterprises in what look to be coordinated strike waves (Chan 2007; Clarke, Lee and Do, 2007).

Worker activism and trade union reform

The rise of worker protest in private and foreign-owned enterprises in China and Vietnam has led the trade unions to come under increasing pressure from the Party-state to represent workers more effectively and to channel unrest into constitutional bureaucratic forms of dispute resolution. In Russia, there has been a steady decline in worker militancy since the containment of the protest of the 1990s and economic recovery since 1998, but relative social peace and the collapse of political opposition has deprived the traditional trade unions of their political leverage and enabled the Putin regime to try to marginalise them. In this context the traditional unions had no alternative but to move to revitalise their base in order to defend their political position by demonstrating the value to the government of the institutions of social partnership. In all three countries, therefore, the trade unions have faced increasing political pressure to reform.

Legal representation of members

In all three countries the government has sought to channel labour disputes into individualistic judicial forms of dispute resolution, with mediation and arbitration followed by court action. In Russia the judicial resolution of disputes was pioneered by the alternative trade unions as a means of securing the payment of unpaid wages and taken up later by the traditional unions. Between 1993 and 1998 the number of cases submitted to the courts increased from 94 thousand to 1.5 million, 1.3 million of which concerned wages, 850 000 relating to non-payment. This was one reason why FNPR regarded the further development and rationalisation of the legal services of its member organisations to be a priority direction of development of the trade unions (*Vesti FNPR*, 3–4, 2000, pp. 7–42). FNPR's regional organisations reported that in 2006 their member organisations together employed almost one thousand lawyers, who assisted in the preparation of 17,851 collective agreements and in documenting 37,834 complaints to enterprise Labour Disputes Commissions. In addition, trade union lawyers represented workers in 1622 collective disputes and 191 strikes (although only 8 strikes were officially recorded in Russia in 2006, involving a total of 1200 workers), securing their demands in 64% of the collective disputes (but only in 13 of the strikes, involving only 45 workers in total). Trade union lawyers dealt with 58,010 complaints and 482,161 individual requests for assistance, over three-quarters of which in each case were satisfied. Altogether trade union lawyers won over three and a half billion roubles compensation for their members (*Vesti FNPR*, 5-6 2007: Appendix 3).

In China there has been a similar massive escalation in the number of cases going to arbitration and on to the courts. Between 1987 and the end of 2005 1.72 million labour disputes went to arbitration, involving 5.32 million employees, more than half of whom were involved in collective disputes, with a growth rate of 27.3% per year (*China Daily*, 27 August 2007). The number of disputes going to arbitration increased by a further 42% in 2006 over 2005. The majority of arbitration cases are resolved in favour of the worker. In 2001 employees won 48% of cases, employers won 21% and the remaining cases were not resolved unequivocally in favour of either party (Cheng 2004: 285). However, in China the trade unions generally play a subordinate role in the dispute resolution procedure, serving as mediator rather than as worker representative. On occasion trade unions have even appeared in arbitration hearings on behalf of the employer. In any serious collective dispute the trade union is very unlikely to support the worker against

the management, and there have been plenty of cases of victimisation of enterprise trade union leaders who have been so rash as to do so (Chen 2003:1017). In the absence of trade union representation, labour NGOs and 'black' lawyers have become very active in offering legal support to workers in dispute. Following their example, the ACFTU has begun to sponsor the establishment of legal advice centres for workers on an experimental basis, and in Guangdong in late 2007 even approached labour NGOs and black lawyers with a view to collaboration, on condition that the labour NGOs severed any links with foreign sponsors (Pringle and Chan 2008).

In Vietnam, by contrast, the system of conciliation and arbitration laid down by the law is completely moribund. Although required to set up conciliation committees, many enterprises have not even done so, and almost no cases go to arbitration. It seems that the vast majority of individual disputes are resolved informally within the enterprise without the intervention of the trade union, while collective disputes fester until they erupt into wildcat strikes. Nevertheless, the Vietnamese authorities consider that one major cause of strikes is ignorance of the law and the VGCL has made the provision of legal advice a priority. It has established a substantial legal counselling system which includes 13 centres, 30 offices, 375 legal advice groups and 838 counsellors and collaborators. Apart from labour and trade union law, the union legal counsellors also support workers and primary union leaders in enterprise law, social insurance regulations, anti-corruption law, and HIV/AIDs Prevention. At each union above the primary level at least one union official is appointed as the focal point for legal advice and education. The legal counsellors not only answer questions that workers and primary union leaders bring to them, but also approach workplaces through the loudspeaker system, meetings, and hold contests on knowledge of labour and union legislation. Union libraries have also been set up in many provinces. In the last 3 years (2005-2007), the unions have reportedly organised 230,788 seminars and meetings on labour and union legislation for 10.1 million people, issued 2.1 million publications, trained 500 primary union leaders on legal counselling skills, and provided legal advice to 15.5 thousand workers.

Trade union representation in the workplace

The enormous increase in the number of disputes proceeding into the judicial dispute resolution procedures in China and Russia, and the increase in the number of strikes in China and Vietnam, are indicators of the failure of the trade union effectively to represent its members in the workplace. In all three countries there have therefore been attempts by higher trade union bodies to strengthen workplace trade union organisation, in particular to reduce the dependence of the workplace trade union on management.

The election of enterprise trade union leaders is one measure that has the potential to increase the responsiveness of the workplace trade union. In China the issue has been contentious and there has been a series of cautious experiments with the election of enterprise trade union leaders, usually but not always with some control of candidacy being maintained, and in some regions union elections are commonplace (Howell 2006). Although elections can be effective in improving the quality of enterprise trade union leaders, at least by providing a mechanism for the removal of the most incompetent, it seems that the impact of elections on the character of workplace trade unions themselves has been quite limited.

The limited potential of trade union elections to reform workplace trade unions is shown by the cases of Russia and Vietnam, where the election of trade union officers is the norm. The subordination of the trade union top management is a structural phenomenon, not a matter of the personality of the trade union leader. Workers tend to feel that it is appropriate that their trade union leader should be a manager, who knows how to interact with other managers, a view also held by elements within the higher trade union leadership. Moreover, it proves very difficult to find any candidates for election who are not sponsored by management, because rank-and-file union members are afraid of victimisation, so the process of election makes very little difference to the character of trade union leaders.

Whether elected or not, it is important that trade union officers in the workplace have the skills and knowledge required to represent their members effectively. For this reason there has been an increasing emphasis on the provision of training for workplace trade union officers. In Russia, the collapse of the Soviet Union led to the virtual collapse of the trade union training system. From the middle of the nineties FNPR attached much greater priority to training, partly as a means of improving the competence of the leaders of trade

union primary organisations, but also as a means of increasing the 'discipline' and 'solidarity' of trade union organisations, strengthening the trade union hierarchy that had been undermined by the abandonment of democratic centralism. By 2006 FNPR could report that spending on training had reached 3.2% of the overall trade union budget, with 2.6 million trade union cadres and activists, 70% of the total number, having received some form of training in the previous year (*Vesti FNPR* 5-6, 2007: 88), almost double the number of five years before. The VIth FNPR Congress in November 2006 noted that the quality and intensity of trade union training was still insufficient and resolved to increase the spending norm for training to 6% of the total trade union budget, with the development of a unified trade union training strategy, which was adopted by the FNPR Executive Committee in May 2007 (*Vesti FNPR* 5-6, 2007: 82, 92-105).

In Vietnam the training of workplace trade union officers is only at a very early stage. The VGCL funds long-term training (4 years for an undergraduate course at the Trade Union University, 2-3 years at union training institutions) for professional unionists, 79% of whom work at provincial unions, but there is no regular budget allocation from the VGCL for the training of primary union leaders. However, unions in some of the most industrialized provinces have used their own budget to organize short training courses (2 days to 1 week) for primary union leaders. These courses cover labour and union legislation, negotiation skills and collective bargaining, labour contracts, and dispute settlement procedure. A number of projects sponsored by international organisations (ILO, GTZ, GSPS) and foreign unions (Norway, Sweden, Denmark) are adding to these efforts by holding training-of-trainers courses through which core groups of union trainers will be developed.

Like VGCL, ACFTU continues to place the emphasis of its training programmes on the training of officials from the trade union apparatus, rather than officers of primary trade union organisations. However, there are signs that the ACFTU is at least cognisant that it needs to improve the trade union skills of its primary level officers if it is to reduce dependency on employers. In the more progressive provinces the trade unions hold regular one-day courses for enterprise trade union officers. According to ACFTU data, in 2005, a total of 481,000 training places were taken up by union cadres at all levels, with collective consultation for wages being one of the main foci. Over 50,000 places on leadership training courses and tutorials for senior local and industrial trade union cadres were taken up and a further 42,000 spaces were filled by trade unionists attending young

trade unionist courses at the same levels. Professionalizing trade union cadre courses were held with 61,000 places taken up and a further 17,000 trade union cadres qualified as trade union trainers. In 2006, 255,000 trade union cadres attended incumbent training given by local and industrial trade unions and 541,000 trade union cadres attended adaptive job training (ACFTU 2007).

International co-operation has played an important role in developing trade union training, particularly through training-the-trainer programmes in Russia and Vietnam sponsored by international trade union and labour organisations, which have played an important role in introducing more active training methods. In China such co-operation has largely been limited to the training provided through the Beijing ILO Office, particularly in collective bargaining.

Higher level trade union bodies endeavour to provide support for workplace trade unions in other ways than through training, for example by providing legal advice and support for the negotiation of collective agreements. The minimal, and most common, form of such support is to provide primary union organisations with a model collective agreement, which normally includes only the bare minimum of requirements already provided for by labour legislation. This might be supplemented by a checklist of additional items that may or may not be included in the collective agreement. In all three countries it is rare for officers of higher trade union bodies to participate in the actual negotiation of the collective agreement, although in Russia the primary trade union organisation might be given support if it is unable to reach agreement with the employer on its own account. The more common means of strengthening enterprise collective agreements in all three countries has been the negotiation of higher level, sectoral and/or regional, agreements and encouraging workplace trade unions to incorporate the terms of these agreements into the enterprise collective agreement, where they are not binding on the latter. This practice is much more highly developed in Russia, where the trade unions are organised according to territorial-branch principles, than in China and Vietnam, where the territorial principle predominates. Nevertheless, China has been developing local sectoral agreements on an experimental basis. In Vietnam sectoral bargaining was provided for by the 1995 Labour Code but was largely ignored until March 2007, when VGCL proposed to the Prime Minister that sectoral bargaining provided a way to overcome the ineffectiveness of collective bargaining at enterprise level. With the approval of the PM and the support of MOLISA, VGCL has organized a number of seminars and workshops

to discuss the possibility of sector bargaining. Two industries have been selected for the experiment: garments and coal-mining. The initial idea is that the sectoral agreement defines minimum labour standards, based on which member enterprises will negotiate their own collective agreements. However, the experiment is stalled at the moment due to disagreement between MOLISA and VGCL about the coverage of the sectoral agreement. While VGCL insists that it should cover all enterprises in one industry, MOLISA holds that it is impossible to persuade the whole industry to participate; instead, a group of willing companies is enough.

Extension of trade union organization

Trade union organisation in state and former state enterprises and organisations in all three countries was inherited from the state-socialist system and membership remains very high in this sector, but the trade unions have very low membership in the new private and foreign-owned sectors, where industrial conflict has been concentrated in China and Vietnam. The decline of employment in traditional enterprises led to a substantial loss of trade union membership, and hence resources, giving the trade unions in all three countries a strong material incentive to expand their organisation. This incentive has been augmented by political pressure since the turn of the century as the Party-state in China and Vietnam has looked to the trade unions to stabilise labour relations in these new sectors.

The ACFTU Congress in 2003 declared that henceforth migrant workers would be considered to be part of the working class and would be eligible for trade union membership, ACFTU subsequently launching an ambitious recruitment campaign. At its own 2003 Congress VGCL similarly declared its main priority to be a campaign to recruit one million new members in the private sector, which it had hitherto largely neglected. The Russian unions, despite having lost half their members over the 1990s, were rather slower to react, only declaring the expansion of membership to be a priority task at its VIth Congress in November 2006 and launching a pilot project to establish primary organisations in small and medium enterprises in May 2007.

The typical way in which new trade union organisations are established in all three countries is for the local higher trade union organisation to contact management to collaborate in establishing an enterprise trade union. Not surprisingly, the outcome is for the enterprise director to appoint the trade union president, typically a senior manager or the human resource director, so that the trade union is constituted as a tool of management. Even when striking workers demand the establishment of a trade union organisation in China and Vietnam, this will be organised in a similar top down manner in collaboration with management.

A well-publicised exception to this practice has been the long struggle of ACFTU to establish a union organisation in Wal-Mart, where resistance from Wal-Mart management forced ACFTU to adopt an organising approach, recruiting individual employees to the

union outside the workplace to provide the basis of a union branch. Nevertheless, even in this case ACFTU has been hesitant about moving beyond its traditional collaborationist model. Although the Wal-Mart case has been widely proclaimed as a breakthrough in ACFTU's organising strategy, after the first union branches were established Wal-Mart signed a recognition agreement with ACFTU under which new branches would be established in the traditional way, in collaboration with management, although the preparatory committees will include employee representatives and the agreement provided for the election of the trade union committee. Asked why Wal-Mart had agreed to allow unions a Wal-Mart spokesman reportedly said: 'The union in China is fundamentally different from unions in the West... The union has made it clear that its goal is to work with employers, not promote confrontation' (*China Daily*, 11 August 2006). It remains to be seen how effective Wal-Mart's workplace trade unions will prove to be. Despite the provisions of the law, the difficulty of establishing trade unions in new private enterprises, particularly small enterprises, has led in China to the attempt to establish sectoral and/or local trade union organisations, which can then conclude collective agreements covering all the enterprises in the locality and/or sector. The principal barrier to such attempts is the absence of effective employer organisations to act as the counterpart of the trade union in such agreements, but in some cases this has been bypassed by the relevant government department concluding the collective agreement in the name of the employers registered with it (Clarke, Lee and Li 2004:249). In one of our case studies larger employers have taken the lead in establishing a sectoral employers' organisation – with Party encouragement – to conclude such a sectoral agreement.

Inspection of workplaces

The traditional means by which state-socialist trade unions defended the interests of their members was by lobbying for protective legislation and regulations and monitoring their enforcement in the workplace. The subordination of the trade union to management meant that such monitoring was always perfunctory, which is one reason why state inspection bodies were established alongside the trade unions, although the inspectorates were also notoriously lax because their intervention threatened to impede the achievement of plan targets by the enterprises.

The inspection of workplaces has been one means by which the trade unions have sought to by-pass ineffective workplace trade union organisations in all three countries. In Russia the functions of labour inspection were taken away from the trade unions in retaliation for their support for parliament in its resistance to Yeltsin's second putsch in 2003, with trade union labour inspectors being transferred to the new state labour inspectorate. This not only deprived the trade unions of many of their powers of enforcement and led to the transfer of the personnel responsible from the regional trade union apparatuses, but also led to the virtual collapse of the system of voluntary inspectors in enterprises, which had to be rebuilt in the new circumstances. At the end of the 1990s FNPR made the restoration of the system of voluntary inspectors in enterprises a major priority, although it often proved difficult to find people willing to take on the task. In 1999, 38 regions reported that they had recruited 160 thousand voluntary inspectors (*Vesti FNPR*, 7–8, 2000, p. 24) and by 2006 its member organisations reported having a total of 480 technical labour inspectors, over 300 other staff lawyers, 3,400 voluntary legal labour inspectors and 307,002 voluntary health and safety inspectors (*Vesti FNPR*, 5-6 2007: 69). Inspections of establishments by trade union inspectors and joint commissions generally reveal a very large number of violations of labour and health and safety legislation and regulations. Sixty-three FNPR regional organisations reported having carried out a total of 107,112 inspections in 2006 which had revealed 343,846 violations.

In Vietnam, labour inspection has been hampered by the acute shortage of both state and trade union labour inspectors (Clarke, Lee and Do, 2007). On 31 December 2007, the VGCL issued Decision No. 1693 to strengthen the inspection and monitoring mandate of primary and higher-level unions. The Decision requires the primary and

higher-level unions to prepare annual plans for inspection of employers' compliance with labour and union legislation. The unions can carry out inspection themselves or in collaboration with the authorities. After each inspection visit, a written record with recommendations for improvement will be made. If the employer fails to follow the recommendations, the union has the right to inform the relevant authority for further actions.

There are more than 3000 labour inspection agencies in China and around 40,000 inspectors (Cooney, 2007: 607), but the inspectorates are dependent on local government for their financing and managed by the local labour bureaux. As such, they are not inclined to offend powerful local interests, and they have very limited powers of enforcement. Regulations on labour inspection oblige these agencies to solicit the views of trade unions and other 'relevant departments' (State Council, 2004, *Regulations on Labour Inspection*, Article 7). The ACFTU has its own network of labour supervision and inspection committees at various levels, although their influence is constrained by the same factors that constrain the unions in general such as dependence on management, state economic policy and CPC anxiety over unrest and a credibility gap between existence on paper and activity in the workplace. According to ACFTU, almost a quarter of all enterprises and organisations had 'labour protection supervision and examination committees' (*xiao zu*), with 1.621 million labour protection inspectors in 2006, covering over 40% of the workforce, while a third of higher level trade union organisations also had 'labour protection supervision and examination organisations'. Overall, the trade unions at all levels participated in 2.301 million safety production inspections in 2006. In practice these committees have no power over working conditions unless they have the backing of the 'relevant government departments'. Moreover, it is not clear from the available data how active higher level trade union bodies were in routine inspections of workplaces, as opposed to the 97,000 industrial accidents and 106,000 newly installed facilities that they inspected (ACFTU 2007).

Labour activism and the reform of trade unions in Russia, China and Vietnam

In the most general terms one can say that the reform of trade unions has been driven by worker activism, because the primary objective of trade union reform has been to confine worker activism within peaceful constitutional channels of trade union representation. In China and Vietnam this objective has been imposed on the trade unions by the Communist Party, whereas in Russia, since 1993, it has been an objective imposed on the trade unions by threats and opportunities presented by the state. The Chinese Party, perhaps haunted by the memories of Tiananmen and challenged especially by SOE worker protest (Pringle 2001), has been much more anxious about the political dangers posed by industrial unrest than has the Vietnamese Party, which seems to take a much more relaxed view of strikes and worker protests, and ACFTU has accordingly come under much more concerted pressure to reform than has VGCL. The greater political weight of VGCL may also have put it in a stronger position to resist pressure to reform. In China and Vietnam the subordination of the trade unions to the Communist Party has meant that the unions have enjoyed the political support of the Party in their attempts at reform, whereas the Russian trade unions have had to reform themselves on their own initiative and using their own resources, albeit under pressure from the state. At the same time, the trade unions in China and Vietnam have been severely constrained by the Party in the steps they can take to reform their own structures and practices, for fear that such reform might encourage rather than restrain worker activism.

In all three countries the principal barrier to the development of the representative role of trade unions has been the traditional subordination of the workplace trade union to management, which prevents the trade union from reforming in response to pressure from below. Attempts to initiate reform from above have been impeded by the limited leverage which higher trade union bodies have over their primary organisations, even in China and Vietnam where the trade unions are still governed according to the principles of 'democratic centralism'. This limited leverage makes the higher level trade unions in China and Vietnam even more reluctant to risk activating their primary organisations, for fear that they will lose control of such organisations, so they continue to endorse management control as the lesser of two evils. Thus, they create new trade union organisations in close collaboration with management, even, or especially, when workers themselves demand the creation of a primary organisation, and resist worker demands to

democratise their trade union organisations. Even in Russia, where the trade unions are nominally independent, higher trade union bodies are often reluctant to encourage grass roots activism for fear of compromising their political alliances with employers and arousing the hostility of the local or federal government.

The most dramatic difference that subordination to the Party makes to trade union activity is in the political sphere, where the trade unions in China and Vietnam are strictly excluded from playing an independent political role, while the Russian trade unions have sought to constitute themselves as an effective political force in lobbying regional and federal legislatures and participating in tripartite structures of consultation by mobilising their members in symbolic 'days of action'. Nevertheless, the political weakness of FNPR is shown by the fact that it has abandoned any pretensions to political opposition and aligned itself with the Presidential party since 2000. Of course, the trade unions in China and Vietnam play a political role, but this role depends on their privileged position within the Party structure rather than on any claims to be representative of their members.

In Russia, the failure of the traditional unions to represent the interests of their members in the workplace created the space within which alternative workers' organisations arose and in which alternative trade unions were able to organise to harness worker activism. 'Freedom of association' was not granted to soviet workers by the state, it was a right appropriated by workers as the soviet repressive apparatus crumbled. Alternative trade unions have never been a major force in Russia, and have never constituted a serious threat to the traditional unions, but they have been important as the means by which worker activism has presented a challenge to the traditional trade unions, particularly in the negotiation of collective agreements and the defence of trade union members, and the alternative unions have pioneered new forms of trade union action, most particularly through picketing and hunger strikes and in the use of judicial procedures to represent workers in individual and collective labour disputes, all of which have been taken up by the traditional unions.

We can see embryonic forms of freedom of association in China, in the legal advice centres set up by NGOs to pursue individual and collective labour disputes, which have induced ACFTU to set up their own such centres, and in the informal networks which underlie strikes in China and Vietnam, but the impact of such activities on the practice of

the traditional trade unions is strictly limited by the narrow limits within which independent activism is confined by state repression.

The limitation of the right to strike has been by no means as significant a factor as the absence of freedom of association in inhibiting worker activism and the reform of the trade unions in China and Vietnam. The important issue is not so much whether or not a strike is legal, but whether or not it is effective. In China and Vietnam strikes have proved to be an extremely effective method for workers to achieve their immediate demands, as the authorities refrain from repressing strikers for fear of exacerbating the situation and press employers immediately to meet the workers' demands, to prevent the strike from spreading. However, the victimisation of worker activists and suppression of independent worker organisation means that strikes are not effective as a means of building the workers' organisational solidarity which might present a serious challenge to the traditional trade unions. On the other hand, such wildcat strikes will continue to escalate unless or until workers achieve the freedom of association that will enable them to articulate, represent and negotiate their grievances within the workplace. In Russia, the state has been much more successful in limiting the right to strike precisely because freedom of association means that most strikes have identifiable organisers who can be taken to court and punished for conducting strikes that are not in accordance with the legislation.

The main barriers to trade union reform in all three countries are the inertia of the trade union apparatus and the dependence of primary union organisations on management. There is progress in all three countries, the most substantial being in Russia where workers have enjoyed freedom of association, the trade unions have a longer experience of independence and have faced less direct political constraint, but even in Russia progress is very slow, while in Vietnam the very limited extent of trade union reform means that the leading role in the regulation of industrial relations has been played by MOLISA.

Finally, it should be noted that international trade union cooperation has played an important role in fostering the reform of trade union language, structures and practices in Russia through international dialogue and training programmes. FNPR and the two principal alternative federations, VKT and KTR, affiliated to ICFTU in 2000. Today about 30 of the 42 branch (industrial) unions are affiliated to Global Union Federations (GUFs),

five of which have permanent representatives in Moscow. The ILO has been supporting institutional development in both China and Vietnam and there is a growing number of bilateral exchanges and increasing interest and activity on the part of the GUFs in developing cooperation with unions in plants owned by or contracted to multinationals. The main problem that they face in developing such cooperation is identifying a suitable counterpart.

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