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ACFTU: BEYOND REFORM? THE SLOW MARCH OF DIRECT ELECTIONS

By Jude Howell (China Quarterly 2008)

Since the mid-1990s trade union leaders in Zhejiang, Guangdong, Shandong and other coastal provinces have been quietly introducing direct elections for grassroots trade union cadres. Their goal has been to nurture a stratum of grassroots trade union cadres who prioritise workers' interests over Party and/or national interests. In essence it is a subtle attempt to democratise the trade union from within, transforming it from an administrative machine subservient to the Party into an effective organisation for interest group representation. In many respects direct trade union elections echo the idea of competitive village leadership elections. Yet they have not been generalised across the country or institutionalised through legislation or drawn droves of international observers in the way that village elections did in the 1980s and 1990s. What might have promised to be China's 'second silent revolution' has failed to take off. This paper explores the political, structural and institutional reasons behind the piecemeal and slow spread of direct basic union elections in China. In doing so it analyses the parameters constraining the reform of the All-China Federation of Trades Unions (ACFTU) in the direction of a more effective, worker-oriented organisation.

The paper begins by identifying the key organisational features of the ACFTU that frame trade union activism and distinguish it from trade unions in liberal democratic contexts. The most salient of these are Leninist classic dualism, state corporatism and bureaucratic welfarism, features that, as will be seen, are potentially challenged in one fell swoop by direct elections for grassroots trade union cadres. In the second section we examine the arguments levered by reformist leaders within the ACFTU to push the idea of direct elections of basic trade union cadres in China. In the third section we analyse the complex nexus of structural, institutional and political factors that have combined to thwart the widespread implementation and institutionalisation of direct elections of grassroots trade union cadres in China.

The paper draws on the findings of fieldwork carried out in 2003 and 2004 in Beijing and two southern provinces, which have spearheaded experiments with direct democratic elections. The research focuses on the perspectives of trade union cadres

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on the processes of change within the ACFTU, and specifically regarding direct elections. Twenty-three in-depth, qualitative interviews were conducted with relevant key informants in provincial, town and enterprise trade unions. Though not a representative sample for all of China, the interviews in these provinces pioneering direct elections illustrate the constraints and possibilities for organisational changeⁱ.

Throughout the paper the term 'direct elections' (*zhijie xuanju*) refers to the process whereby workers nominate any number of candidates to stand for trade union positions such as trade union committee member, vice-chair and chair. This echoes the 'sea elections' (*haixuan*) method pioneered in village elections and was considered by our informants to be the most democratic. Workers then vote directly for their preferred candidates, who should muster more than half of the vote, again reflecting village elections. In practice direct elections embrace a range of practices, from the more democratic sea elections method to more dubious processes, reflecting the contested nature of the conceptⁱⁱ. This system aims to replace Party control [the Party is the one which allows this to happen. I am not sure whether this is the aimof the system as the system is controlled by the party.] over the appointment of grassroots trade union cadres.

<u>I.</u> <u>Understanding the parameters of change</u>

There is general agreement amongst scholars that the ACFTU departs in significant ways from trade unions in Western liberal democraciesⁱⁱⁱ. In particular the ACFTU is the only officially recognised trade union in China and enjoys therefore a monopoly in the representation of workers' interests. Given its close structural relationship with the Chinese Communist Party (CCP), it lacks the independence of trade unions in liberal democratic states, which is vital if unions are to articulate and promote effectively the interests of their members^{iv}. The growth of a significant domestic and foreign private

manufacturing sector, the decline of state enterprises and the massive flows of rural migrant workers to the industrial heartlands of eastern China over the last three decades of reform have altered fundamentally the context within which the ACFTU operates (Cai 2002, Chan and Zhu 2003, Chan 2000, 2001, Lee 1999, Pun 2005, Qiao 2002, Sheehan 1998). Faced with a rising number of workers' strikes, protests, demonstrations (Chen 2000, Howell 1997a, b, 2003, Lee 2007, Pan 2002, Weston 2004, Thireau and Hua 2003) and workers' self-organising (Xie 2002, Howell 2004), and concerned about the threats to social stability, the CCP has urged the ACFTU to play a more prominent role in protecting workers' rights, but always within the parameters of accepting Party leadership [But where does the Party stand? The author should disuss the vantage point of the Party. If the Party stands on the side of the workers, then there is no problem. -] Compared to other mass organisations such as the All-China Women's Federation (ACWF) or the Communist Youth League (CYL), the ACFTU has been slow to adapt to the many new challenges it faces in a rapidly growing market economy (Howell 2000).

Nevertheless it would be wrong to say that the ACFTU has not changed over the past thirty years, that it has not initiated and contributed to significant reforms in the legislative and regulatory framework governing labour relations in China or that it has not strengthened its institutional position in the administrative hierarchy^{vi}. As these changes have already been well expounded in other texts (Chan 1993, Howell 1997a, 2003, Taylor, Chang and Li 2003), suffice it here to highlight the key crisis moment in the post-reform history of the ACFTU during the democracy movement of 1989 when ACFTU leaders mediated between protesting workers and Party leaders, thereby bolstering their claims to represent workers' interests and disturbing the balance of their relationship with the Party^{vii}. At the same time more radical trade union cadres and workers set up autonomous trade unions. Following the clampdown on the 1989 democracy movement, the ACFTU came under sharp criticism from the then dominant conservative faction in the Party (Wilson 1990b:61). Party leaders recognised, however, that a more effective and democratic ACFTU that remained under the leadership of the Party was still preferable to an independent trade union beyond Party control. They astutely conceded more access to the policy-making process, greater influence in the enterprise and greater space to take up workers' grievances in return for accepting Party leadership. As White, Howell and Shang

(1996:51-52) note, this was a Faustian bargain `in which the unions linked their fortunes and future to those of the Party'. With the re-ascendancy of Deng and his allies from 1992 onwards, the more progressive wing of the ACFTU emerged out of their post-Tiananmen crevices and began to push again for legislation that would better protect workers. However Party exhortation was still not enough to equip grassroots trade union cadres with the political and ideological tools to handle the conflicting pressures from workers, Party officials and management nor enough to protect them against the threat of job dismissal if they did conscientiously take the side of workers.

Thus the process of organisational change has been slow and halting, often with one step forwards and two steps backwards, and significantly shaped by political and ideological struggles within the Party leadership, institutional and structural factors. The pressures for greater autonomy have come from radical [an over-statement to call them "radical". "Reformist" is more appropriate] leaders within the ACFTU, sympathetic journalists and labour scholars, and from grassroots trade unionists, who are at the coalface of an increasingly pronounced dualist dilemma. Given the sensitivity of labour issues and the Party's fear of any emerging independent trade union movement akin to Solidarity^{viii}, the ACFTU, when compared to the CYL or ACWF, confronts particularly stringent constraints on internal reform. Three constraints stand out: first, the transmission belt role of the trade union and the classic dualist dilemma this poses; second, the state corporatist nature of the ACFTU; and third, its bureaucratic welfarism. These variables shape at all levels the behaviour and attitudes of trade union cadres to their work and hence the effectiveness of the organisation in defending workers' interests.

In his seminal work on the ACFTU Paul Harper (1969) discusses in detail the structural dilemma posed by the Leninist transmission belt model of trade unionism. In this model the trade union functions as an intermediary, mass organisation, transmitting Party policy and directives downwards to workers and in turn reflecting workers' interests upwards to the Party. As Harper and others have noted, such a model could serve the interests of workers well in an ideal world. However these twin objectives, that Pravda and Ruble (1986: 1-21) refer to as 'classic dualism' ix, are often contradictory, so that in practice, trade union cadres under pressure from above have

tended to prioritise the interests of the Party and the nation over those of its worker constituency. In the reform period these contradictory functions have become increasingly difficult to reconcile, with trade union cadres being pulled and pushed in different directions. This has been become particularly pronounced during the closure of state enterprises and in disputes in private sector enterprises, where trade union cadres have more often than not aligned with Party policy than taken up the grievances of workers.

The second key characteristic of the ACFTU is its state corporatist nature. Philippe Schmitter developed the idea of corporatism as a way of theoretically conceptualising variations in state formations. According to Schmitter (1979: 93-94) corporatism refers to:

"...a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and support".

Given that there is only one officially recognised trade union federation in China, that any attempts to establish alternative trade unions have always been quickly nipped in the bud and that the CCP exerts considerable control over the union, then the ACFTU can aptly be described as a corporatist institution. Moreover, because of the classic dualism noted above, the ACFTU is better described as a state corporatist institution rather than a societal corporatist institution^x which gives precedence to the representation of worker interests', autonomous and voluntary organisation.

Labelling the ACFTU as state corporatist is, however, static. It reveals little about how an institution can move from a state to societal corporatist model or indeed to a pluralist, civil-society type model where numerous, voluntarily formed trade unions vie for influence over government. Indeed Schmitter (1979:126-7) is pessimistic about the possibility of any peaceful and incremental transformation from a state corporatist to societal corporatist regime. Pravda and Ruble (1976) are more optimistic about the

possibilities, though concede that any move towards 'adversarial non-dualism' is most likely to occur in a context of radicalisation and regime challenge (p. 19). Over the last fifty years there have been key moments when more radical leaders in the ACFTU have pressed for greater autonomy from the Party so as to represent more effectively workers' interests. In the 1950s Li Lisan and later Lai Ruoyu, both chairs of the ACFTU, attempted in vain to wrest the union from Party control. Such moments are historical steps in the direction of a state corporatism that tilts more towards workers' interests, or in other words a 'societal state corporatism'. However it is only when there is a fundamental challenge to the regime, such as in the late 1980s in Eastern Europe or during the Democracy Movement of 1989 in China when worker activists and radical trade unionists set up autonomous trade unions that the possibility of a shift from state to societal corporatism can come about. In the case of China, such a moment was short-lived. In the absence of regime change, we can expect state corporatist unions such as the ACFTU to change gradually, with periods of advance and retreat as the Party alternately cedes or retrieves control.

The third feature of the ACFTU is its bureaucratic welfarism. The ACFTU is a large, administrative machine, with a membership of over 150 million. As its leaders at all levels are predominantly Party members, the lines between Party and mass organisation are heavily blurred. At the local level leading trade union cadres are appointed by the local Party committee. They receive instructions and pressures from both local Party authorities and from the central ACFTU, with the former usually wielding greater authority over local trade unionists. The incentives to cadres to perform well come from the Party above rather than from workers below.

Up till the reform period state and collective ownership predominated in China. Trade union cadres operated like an arm of the administration in the state-led economy, a point that Ni Zhifu, then Chair of the ACFTU, underlined vociferously in his speech at the 11th ACFTU Congress in 1988 (Wilson, 1990b: 55)^{xi}. Their main duties were ensuring production, safeguarding the welfare of workers, organising cultural and leisure activities, administering the labour insurance fund, and relaying Party policies. Trade unions were established in state and collective enterprises as a matter of course and under Maoism there could be no fundamental contradiction of interests between

workers and the state. Most state workers enjoyed an iron rice bowl and wages, and benefits and working conditions were determined through central policies.

Compared with trade unions in capitalist economies, trade union cadres had no need to develop the skills of establishing trade unions, of mobilising workers to join a trade union xii, of identifying and articulating workers' interests, of challenging exploitative managers, or of raising funds to support union activities. Though workers in the 1950s and 1960s harboured grievances that sometimes erupted into conflict (Perry 1994), the Party's perception of their threat to social stability cannot be compared with the situation post-reform. The gradual bureaucratisation of the ACFTU over half a century and its welfarist orientation have led to an institutional inertia which has seriously impeded any shift towards a more societal state corporatist or civil society-type organisation. Grassroots trade union cadres have therefore lacked the skills and incentives to deal with workplace issues that would be part and parcel of everyday trade union life in liberal capitalist societies.

Classic dualism, state corporatism and bureaucratic welfarism are persistent features of the ACFTU that have combined to constrain any initiatives to make the union more representative and vocal on behalf of workers^{xiii}. Though the ACFTU has strengthened its bureaucratic position considerably during the reform period and played a visible role in promoting workers' interests, it still lacks legitimacy amongst Chinese workers and is widely held to be ineffective in representing, articulating or protecting workers' rights. As Chan (1993: 58-59) noted, the efforts of trade union leaders to protect workers' interests since the 1980s and even their actions during the radical 1989 movement seemed to have made little impression on workers. Moreover most foreign-owned enterprises and domestic private enterprises do not have any trade union representation. Even where trade union branches exist in the private sector, the chairs are frequently relatives or friends appointed by the owner. Trade union cadres generally have little role in organising the increasing number of spontaneous strikes and protests across China around unpaid wages, excessive overtime or enterprise closures. Many migrant workers have no idea what the role of the ACFTU is and do not see themselves as part of the Chinese working class because of their rural origins. There are thus two deep gaps: first, between the actual efforts made by the ACFTU to reform, albeit piecemeal and slow, and the perception of these by workers; and second, between the legislative reforms and other initiatives that have

been pushed by the ACFTU to protect workers' rights and the role of trade unions in ensuring their implementation.

It is against this background that the move towards direct elections looks particularly innovative and promising for workers. Unlike other attempts at reform within the ACFTU, direct elections aim to change the very nature of grassroots trade union cadres by making them accountable to workers. In doing so they would knock on the head the three key constraints outlined above. First, by making grassroots trade union cadres answerable to workers, this would increase the pressure on cadres to prioritise workers' interests, thus addressing the classic dualist dilemma. Second, with cadres becoming more responsive to workers the elections could provide a way of shifting the union towards a more societal version of state corporatism or even towards a civil-society type institution. Third, with incentives geared towards meeting workers' interests rather than bureaucratic orders and towards addressing workers' grievances in the workplace rather than just administering welfare, the elections would provide a mechanism for undermining bureaucratic welfarism. In the next section we examine more closely the rationale behind direct elections as expressed by reformist trade union leaders.

II. The Case for Direct Democratic Elections (2,221 words)

Support for direct elections has come from what we call the reform-wing of the ACFTU associated with leaders such as Hao Wen Cai, with backing and support from sympathetic Party leaders, intellectuals based in labour research institutes such as China Industrial Relations College and centres based at Beijing Normal University and People's University, and journalists. A key protagonist of direct elections has been the chair of the ACFTU Department for the Construction of Grassroots Organisations, Hao Wen Cai. Hao has maintained that the experiments with direct elections in foreign-invested enterprises are in line with ACFTU law and constitution, with the democratisation and 'mass-isation' of China, and that direct elections are the future path for trade union elections in China (Xinhua 2003a). Other key supporters of

direct elections are some provincial-level trade unions leaders, particularly in coastal provinces such as Guangdong, Zhejiang and Shandong. Indeed, as a senior official in the ACFTU observed, `it is the localities that are pushing the elections' rather than the centre.

Reformers within the ACFTU have been acutely aware of the gap between the changes at the macro-level and the capacity of grassroots trade union cadres to respond to the grievances of workers. Rather than changing this just through political exhortation and rhetoric, the reformers are seeking to alter the incentive structure that operates at grassroots level, where cadres have to deal directly with workers' grievances. By introducing direct elections they intend to generate a new layer of grassroots trade unions cadres that is closer to workers, more passionate about workers' rights and more accountable. Moreover, by widening the pool of candidates there is more scope for competent and popular leaders to be elected, an argument used also in support of village elections. In this way they hope to overcome the enduring problem of workers' alienation from the union as a result of bureaucratisation and Party dominance. A senior official in the ACFTU illustrated these points to us with reference to an American enterprise, Haofu Taigu Yuhang Company in Xiamen, where the workers voted out of office the unpopular incumbent trade union chair.

Provincial trade union leaders we interviewed suggested that having to make a speech before a worker's assembly about their actions and intentions, and to respond to spontaneous questions from workers, makes candidates more aware of and accountable to workers' interests. As the vice-head of province A trade union stated:

'He [the elected candidate] thinks "I've been elected by everyone" and often he made promises in his election speech about what he would do for everyone. If he can't keep his promises, will people vote for him again? He feels responsible towards his members, has quite a strong sense of responsibility to people below. If it's the converse, as in our former system, he would be responsible upwards and so his attitude towards the trade union, to trade union work, to trade union organising, all would be different. In this way [direct elections], the trust of employees in the trade union and the cohesiveness are quite strong'xv. According to a senior official in the ACFTU, direct elections are already having an effect on the behaviour of trade union cadres, `These chairs have changed from being in the past `[they [i.e. higher-level authorities]] want me to do' to 'I want to do' (zhe xie zhuximen, you Hao qu de "yao wo gan" zhanbian wei "wo yao gan"), thus redressing the balance of interests towards workers. Of course such comments reflect the optimism of reformers who are keen to see change in the ACFTU. How much has actually changed from the point of workers is another story that requires rigorous and systematic investigation^{xvi}. Nevertheless a vital ingredient in pushing reform forwards is the visionary leadership that can persuasively argue and strategise for change.

A second motive given by trade union leaders for direct elections relates to expanding the trade union base in the private sector. Apart from the difficulties of establishing a trade union in a private company, where owners have been notoriously reluctant to allow unionisation, trade unionists face the added problem of having to mobilise a predominantly rural, migrant workforce that knows little about the role of a trade union. Advocates of direct elections thus maintain that through the preparatory work for direct elections the ACFTU can raise awareness amongst migrant workers about

the role of a trade union. Direct elections, too, can, they argue, increase workers' consciousness of being both a trade union member and part of the working class and so dilute the influence of a place-based identity that hinders the development of class consciousness.

Third, reformers in the ACFTU hope that grassroots elections will stabilise labour relations and reduce spontaneous unrest^{xvii}. As several respondents pointed out, workers are more likely to heed leaders that they respect and have directly elected than distant leaders appointed from above^{xviii}. Whilst there is a risk, as with village elections, that popular leaders may be overzealous in representing their constituencies' interests, they also make it easier for higher-level authorities to exert control downwards. For the ACFTU direct elections offer a way of strengthening the links between the higher and lower levels of the organisation, extending its base to the private sector, and enhancing the motivation of grassroots cadres through greater accountability to workers.

Fourth, trade union reformers at national and local levels justify direct elections of trade union cadres as part of a broader trend towards 'democratisation' and 'massisation' [need to find another word. This is not an English word] (qunzhonghua) of state and quasi-state structures in China. The idea of trade union elections forms part of a more general process of reform and modernisation that includes village elections, community elections, experimentation with elections for village Party branches and township leaders, and public hearings. All these are aimed at enhancing the downward accountability and legitimacy of Party-state institutions through extended participation, and when convenient, at bolstering China's diplomatic

armoury to counter external criticism of its democratic credentials. Local trade unionists can tactically appropriate this argument to justify pushing local experiments in direct elections.

Finally, the reform wing of the ACFTU sees direct elections as a way of gaining more independence for the union so that it can deal more effectively with workers' grievances and interests. As the vice-head of a provincial trade union remarked, 'several people in the trade union say "the trade union keeps cool under the big tree", that is, it enjoys the protection of the Party and is thus not an independent organisation. If the trade union is to work more independently, then the reforms have to begin from below and as the vice-head suggested, "we need to find a balance between the Party and the trade union"xix. Direct trade union elections are therefore one way of promoting a more independent role for the trade union.

Given the sensitivities around trade union reform, particularly in relation to Party leadership, reformers have set about quietly introducing direct elections. Drawing on the experiences of Shekou Special Economic Zone^{xx}, which first experimented with direct elections in 1986, and later pilots, the ACFTU drew up a document entitled 'Basic Thoughts on Trade Union Reform (*gonghui gaige de jiben shexiang*) that was issued at the Sixth Meeting of the 10th Executive Session of the ACFTU on 9th October 1988 (Wang 2003). Clause 43, chapter 7 of this document proposed that TU leaders at all levels should be democratically elected and that members of grassroots trades unions members with appropriate conditions could directly elect their leaders. However due to the turbulent events of 1989 and the accusation of ACFTU involvement in the protests, this document was not implemented. The reformers had

to wait until the political context eased up before they could push forward with electoral reforms.

Following Deng Xiaoping's southern tour in 1992 and the political signal this gave of waning conservative influence, the reformers seized the opportunity to issue the 'Implementing regulations for TU Grassroots Organisations Election Work'. Five years later the ACFTU issued 'Opinions on some core issues in advancing trade union reform and construction', in which Clause 15 again stated that in small and medium enterprises, the trade union chair, vice-chair and committee should be directly elected through the workers' or representative assembly. These Opinions encouraged more local trade unions to experiment with direct elections and throughout the 1990s direct elections gradually spread to other provinces such as Zhejiang, Shandong and Fujian (Xinhua 2003b).

So far reformers within the central ACFTU and provincial leaderships have allowed grassroots trades unions to quietly get on with elections, trying out different methods. In Zhejiang province, for example, a senior trade union cadre explained how in their local document on electoral methods, they state that only "sea elections", as in the village elections, are genuine, direct elections, whilst the 1992 ACFTU document on methods states that direct elections includes trade union committee members electing their chair^{xxi}. In this way local leaders have pushed ahead of the central trade union, using the model of village elections, to 'democratise' elections at grassroots level. However, provincial leaders have astutely avoided giving too much publicity to the different experiments, judging that this would only draw the attention of unwanted

eyes in the central ACFTU and potential disapproval, thereby jeopardising these efforts^{xxii}.

However despite the efforts of reform-minded trade union leaders to promote direct elections, they have not spread with the alacrity of village elections, nor created a vocal bottom-up demand from workers to extend these elections to their enterprises in the way that villagers have demanded the right to choose their leaders or urbandwellers have demanded to elect their leaders. Nor have they drawn much attention internationally. Whilst the advocates of village elections skilfully played the international card to their advantage, letting foreign journalists and scholars report on the bottom-up democratisation of China, trade union reformers have been much more cautious in their approach. In the next section we look more closely at the reasons for the different trajectory of direct trade union elections in China.

III Obstacles to Direct Democratic Elections

Political, institutional and structural factors have contributed to the snail-pace spread of the more democratic direct elections for grassroots trade union leaders. Though some press reports and interviewees claim that direct elections have been widely carried out, with some reports putting the figure in Guangdong province in 2003 already at one third xxiii, without independent investigation this is hard to verify, especially given the varied methods used as described by our informants. Resistance to the reforms from within the ACFTU was already surfacing in the run-up to the 14th ACFTU Congress in 2002 when, it is rumoured, that the Congress Vice-Chair, Hao Wen Cai, was criticised for promoting direct elections xxiv. The issue of democratic

direct elections generated considerable debate at this Congress and divisions within the central leadership and lower levels continue to influence the trajectory of the elections. Hao referred at the Congress to the drafting of a document on direct elections, namely, 'Regulations on Direct Elections of Grassroots Trade Union Chairs'. Stating that the ACFTU constitution allowed workers to directly elect their trade union leaders, Hao reported that these new regulations would furnish the necessary detailed guidelines on basic procedures, requirements for candidates and other matters'. Yet, as of spring 2007, these regulations are still being drafted.

Opponents and more cautious reformers such as Su Weiqing, ACFTU head, have mustered three key and related arguments to attack the idea of direct democratic elections. First, they have charged that foreign companies have deliberately tried to promote direct elections in their factories so as to destabilise China. In an interview in July 2003 Su criticised foreign companies for requiring direct elections of trade union leaders as a condition for receiving their orders or following audits of labour rights and accused them of interfering in China's internal affairs (Wang 2003). This, he suggested, was not in accordance with the Trade Union Law or Constitution. His underlying concern was that foreign forces were seeking to establish a 'second' trade union that would be independent of the CCP and challenge the authority of the ACFTU. This anxiety needs to be interpreted within a broader context where the Chinese leadership was closely following the Colour Revolutions in Georgia, Kyrgyzstan and Ukraine. No doubt this must have brought back memories of the rise of Solidarity in Poland. Putin's declarations that Western governments had had a hand in promoting these revolutions and his subsequent clampdown on NGOs in Russia resonated with the Chinese leadership, which in turn has instigated investigations of

foreign foundations and NGOs in China. The idea that foreigners might be involved in organising workers was therefore deeply worrying for the Party.

The second argument used by opponents of direct elections is economic. It is suggested that by drawing attention to poor labour standards and the absence of free trade unions in China, foreign companies are surreptitiously seeking to raise labour costs and thereby undermine China's competitiveness. The discourse of corporate social responsibility and along with that, direct elections in supplier factories to foreign companies are for some trade unionists and Party leaders merely a device to protect Western markets^{xxvi}.

The third issue in the armoury of opponents and more cautious reformers revolves around political stability. Here the argument runs that direct elections will produce weak, incompetent or politically risky leaders, who will be unable or unwilling to moderate workers' demands and, most importantly, will be beyond Party control. Or, it is argued, workers will tend to elect leaders who belong to the same clan or native-place, which will only fuel clan and place-based tensions within factories and undermine the cohesion of the trade union.

Given that the more radical reformers have not been able to institutionalise the elections through the promulgation of regulations for the elections, a compromise position has been reached. For the moment the ACFTU has taken an intermediate position towards direct elections, suggesting that they are appropriate in small and medium-sized enterprises, state enterprises and public units, but less appropriate in private or foreign-invested enterprises^{xxvii}. However the phrase 'less appropriate' does

not mean that they are prohibited, suggesting that the reformers have managed to keep open the possibilities for experimentation at the local level. Furthermore, Su Weiqing and other leaders in the ACFTU have kept open the space for this reform by claiming ownership of the idea of direct elections and challenging the notion seemingly conveyed in the media that direct elections are the brainchild of foreign companies xxviii.

Leaders such as Su Weiqing are more cautious than some lower level officials, not completely opposing the idea but seeking to restrain those more radical reformers who want to see faster and more widespread implementation. These cautious reformers thus prefer a path of gradually pushing forward the elections through a process of preliminary investigations, summarising the results, identifying models and then guiding the localities to implement elections in a standard way, starting out with small and medium sized enterprises^{xxix}. This is reflected in Su's 2003 interview where he states that candidates should meet certain conditions, such as the six requirements laid down in the constitution of the ACFTU^{xxx}, thereby reminding more radical reformers in the union of the principle of Party leadership (Wang 2003). To cap this, he goes on to say that the ultimate goal is to improve the intermediary, bridging role of the TU between workers and the Party, rather than to establish the autonomy of the TU from the Party per se^{xxxi}.

The effects of these national-level tensions around the direct elections level have become manifest in the unease of some national trade union leaders when media coverage is given to the success of direct elections in the provinces^{xxxii}. Furthermore some local level trade union leaders have become cautious about introducing direct

elections when the process is not legitimated through directives from above. For some reformers, the lack of authoritative institutionalisation of direct elections and the slow pace in producing detailed documentation has led to frustration with the process. *xxxiii*. For others, however, the absence of any detailed document from the central level on how to organise elections, has provided an opening to take the lead in issuing detailed regulations on electoral procedures and pushing ahead with direct elections, albeit with some caution *xxxiv*. Indeed it is noteworthy that in Guangdong province the provincial trade union has stipulated that direct elections can be promoted first in foreign-invested enterprises, and especially in TNCs, thus contradicting the central recommendations.

As a result the methods for selecting candidates xxxv, electoral procedures, and candidate requirements vary considerably across places and enterprises, a phenomenon that also characterised village elections, particularly in the first decade. This has led to considerable confusion amongst trade union officials as to what can be genuinely called a 'democratic direct election'. Two contrasting situations in a clothing foreign-invested enterprise and a printing factory in town H as recounted by the respective enterprise trade unionists illustrate this well.

The clothing factory has a workforce of approximately 2,500, of whom 1,000 are trade union members^{xxxvi}. It is important to provide more information on this (and the other) factory and the entire election procedure. This should be the core of the paper, but there is very little meat in it. For instance, at least state the ownership of the factory. This has big repercussions on the election. Who did the nomination? Just the workers? In the other factory looks like the nomination process was totally controlled.

The factory is divided into five 'electoral wards', based on several workshops and embracing from as 56 to over 500 workers in each. Each electoral ward nominates candidates to be member representatives and has to vote in 24 representatives per ward. You mean even a ward of 56 people could nominate 24 representatives? Then it was not proportional representation. In the electoral ward of the vice-trade union chair, Who was the vice chair? Did he/she self-nominate? Or nomited by the workers? Or by management? Or by upper level trade union? there were over 500 workers and around 40 people reportedly put themselves forward as candidates. These candidates gave speeches and responded to questions. The 120 member representatives then elected 20 trade union committee members. Was the election by secret ballot? Was the vote counting transparent? The newly elected trade union committee in turn voted for the chair and vice-chair from a list of self-appointed candidates from the committee. Was this second section transparent? In all elections the persons with the majority of votes, whether or not these constituted more than half of all votes **xxxvii**, reportedly wins the elections.

The situation in the printing factory, <u>ownership?</u> which started elections in 1996,—3. Same questions for the first factory apply to this one. differs in that the three candidates for trade union chair were all managers, rather than workers, and nominated by the enterprise management rather than by the workers. All three were required to make speeches and drew lots to decide who would speak first. The trade union members cast their votes in public using voting slips, leaving room for others to see how individuals were voting. Not sure what it means. What are voting slips? Aare not these secret ballot? The elected trade union chair then handpicked the trade union committee, appointing two of his former rivals XXXXVIII. According to the town trade

union chair What did the town trade union do when this factory had its election?

Shouldn't it have monitored the election? The town trade union chair sounds as if

he/she had nothing to do with it. As if it is not his business. That's a problem isn't it?,

the processes in this factory were 'not as democratic as elsewhere', where direct elections were held for the trade union representatives, then trade union committee, and then indirectly for the trade union chair xxxix. In practice, therefore, there is considerable elasticity in the meanings given to direct elections, ranging from free nomination of candidates by workers at one end, as in the clothing factory, to nomination of candidates by enterprise managers or higher-trade union authorities, as in the printing factory. Those officials with a clearer perspective on what constitutes a genuine election underline the importance of 'sea elections', as used in village elections, as a key distinguishing feature of a democratic direct election.

Apart from these political factors there are also institutional reasons for the slow and uneven spread of direct, democratic elections. First, when the economic reformers led by Deng Xiaoping set about reinvigorating the economy, they also took steps to revitalise the ACFTU so as to reassert control over workers for production. As part of this process, Document No. 24 was issued in 1981. This gave enterprise trade union chairs the same treatment in terms of salary, benefits (car, bigger flat etc) and status as a vice-Party secretary or vice-director in the enterprise. This brought grassroots trade union cadres in state-owned enterprises into the management scope of the higher level Party committee, on the one hand raising their status but on the other hand assuring Party control over them.

Direct elections open up the possibility for workers to become trade union chairs and so threaten trade union vested interests in state enterprises. As a worker is not a cadre, and thus cannot fall under the management of the higher level Party committee, introducing direct elections would seriously undermine this system. By removing the benefits enjoyed by state-owned enterprise trade union chairs, there would be no incentive for anyone to take up this position. As a senior provincial trade union official explained, enterprise Party committees and trade union chairs in state-owned enterprises have a vested interest in maintaining this status quo and resisting any attempts to introduce genuine elections^{xl}. For this reason it had been much easier to press ahead with direct elections in say Guangdong or Zhejiang provinces, where foreign-invested enterprises predominate, than in provinces where state enterprises were more numerous. Of course the issue is not just about the status of workers versus cadres, as in the early 1950s the ACFTU recruited many workers into leadership positions (Lee 1986: 44-46). Though it is not often openly articulated, the issue revolves as much around the idea of a rural, migrant worker becoming an urban cadre.

Where direct elections have taken place, the dilemma of whether a worker can become a cadre has been handled in different ways. In some foreign enterprises, newly directly elected trade union chairs are given the status of cadres. For example, in a printing factory in town H, the elected trade union chair, a former migrant worker, enjoyed the salary and benefits of a deputy director xli. Similarly in a foreign-invested clothing factory, the elected vice-chair of the trade union was placed on the salary scale of a cadre, though he was previously a migrant worker from Hubei province xlii. However some trade union officials are reluctant for workers to assume positions of trade union cadres. For example, the vice-head of the province A Bureau for the

Construction of Grassroots Organisations explained that in recently established trade unions, they let the enterprise director nominate candidates and recommended them to choose a middle-level cadre rather than a worker line. In his view workers in labour-intensive industries such as clothing lacked democratic and working-class consciousness and therefore were not qualified to be trade union cadres. His underlying concern was probably that leaders elected by workers would be less malleable than those nominated by the Party.

The second institutional factor affecting the pace of reform relates to the relatively closed and conservative nature of the ACFTU. Compared to the ACWF national and provincial cadres in the ACFTU have had far less exposure to labour organising internationally. The 1995 Fourth World Conference on Women was a watershed for the ACWF, providing national and provincial cadres with opportunities to travel and exchange with women activists and learn about different issues, ways of organising and framing concepts. The reluctance of the international trade union movement to engage with the ACFTU has contributed to this persisting conservatism. Why this matters is that ACFTU leaders have little experience or vision of what an effective, grassroots trade union cadre would look like. As stated earlier, the ACFTU has not had to mobilise workers or struggle to set up trade unions. When faced with these tasks in the reform period, it remains poorly equipped to do this. Though the idea of directly electing workers is a step in the direction of a more responsive trade union, the advocates of this are less clear about how the grassroots cadre should actually operate once elected. Indeed the radical potential of the idea becomes undermined when higher-levels of the trade union then set about training the newly elected cadres in the functions of the ACFTU, reining them in and disciplining them to conform to a certain model of trade union activism.

Interviews with trade union leaders in enterprises that are noted by the local trade unions to be models for direct elections suggest that elected trade union leaders soon learn to prioritise production over workers' interests. For example, in a discussion with a trade union chair and vice-chair in a foreign-invested clothing factory [Is this one of the factories described above?], it was striking that they did not consider their role in persuading workers to work excessive overtime as problematic^{xliv}. Similarly their focus on welfare issues, such as the quality of food, dormitory conditions and entertainment rather than on hours of work or wages suggest the ongoing reproduction of the trade union as usual. In a printing factory in town H which printing factory? One of those described above?], the trade union chair explained how they organised activities for workers during the slack season so that they would not seek employment elsewhere, thus again facilitating production goals. Similarly the elected chair of the clothing factory in town H explained the role of the union in cultivating loyalty and identity amongst migrant workers. In his words `of course, the future trade union needs to change the attitude of workers, ...that is, change a worker from someone who is outside of society to someone who is an enterprise person, for example, love their job, love their factory... 'xlv'.

This is further complicated by the third institutional factor, namely, the anomaly in trade union membership conditions, whereby from the 1950s onwards any salaried, permanent staff in the enterprise, be they manual or mental workers, could become trade union members (Lee 1986: 48, 115)^{xlvi}. This has led to the paradoxical situation

in which managers stand for election and become elected as trade union chairs, as described in the printing factory earlier. For example, in a factory in province B the existing directly elected trade union chair was a relative of the factory owner. The owner agreed to have sea elections for the chair position and the workers elected the existing trade union chair. As she was also a salaried staff member of the factory, the higher-level trade union could not object to her nomination. Furthermore as this was an export company with above average salary levels and working conditions, the union was loathe to intervene. Its response was to note this but not use this factory as a model for emulation. Similarly, in one enterprise in town K in province B the general manager won the election for trade union chair. The trade union initially cancelled these results. However, the higher level trade union overruled this, arguing that the person with the most votes, whether worker or manager, should win (Nanfangdu Shibao, 2003). Interviews with other trade union cadres also revealed similar anomalies, which reflect the lack of class analysis within the ACFTU and the unwillingness of trade union cadres to confront both more powerful higher levels in the union and factory owners.

Finally the progress of the direct elections has been hamstrung by the structural relations between the Party, ACFTU and business at the local level. Party leaders, trade union leaders and enterprise owners have colluded to ensure that local development is prioritised over workers' interests. Local governments are keen to attract foreign investors, offering numerous policy concessions and the promise of a cheap, compliant workforce. If the local trade union were to prioritise too much the interests of workers, it would be simultaneously failing in its tasks of promoting

production, economic growth and ultimately Party interests. As the head of the Grassroots Work Section of province B trade union pointed out:

"You can't focus only on workers...it doesn't benefit the enterprise as whole. If you mobilise the workers against the boss, then the enterprise may go bankrupt. You should promote the interests of capital and you can protect the basic interests of workers..." It is this dualist dilemma of balancing the oft contradictory goals of production with protecting workers' interests coupled with the trade union's weak position vis-à-vis capital that not only underpins in part the hesitant approach of the central ACFTU to promoting direct elections in foreign enterprises but also holds back some trade union officials from advocating more enthusiastically for the establishment of trade unions and direct elections in foreign enterprises.

This prioritisation of production goals is reflected in the regulations of province A trade union, which specify four situations where it will not permit direct elections. These are first, where a TU is newly established; second, where relations in an enterprise are tense; third, where workers from one clan or place of origin dominate; and finally, in small, family businesses xlviii. Clearly these specifications suggest a highly risk-averse and contradictory strategy. If relations in an enterprise are tense, then having a popular trade union leader who enjoys legitimacy amongst workers should be preferable to having a vacuum that opens up the path to spontaneous worker action. Underlying this is a deep fear of losing control, both amongst higher-level trade union authorities over the grassroots and of the Party over the trade union. In the words of a Guangdong trade union official, if a young migrant worker becomes elected, "can you control them? You can't control them at all. The higher-level trade union has no way [of controlling them]" "xlix".

Given that there is no compulsion on local trade unions anywhere in China to hold direct elections for grassroots trade union cadres, more conservative trade union officials at the provincial or lower levels can sit back and wait for demand to trickle up rather than actively promote the idea. For example, the vice-head of the Bureau for the Construction of Grassroots Organisations in province A trade union explained how they responded to requests from enterprises for a change in trade union leadership and left it up to the enterprise as to whether or not they want to hold direct elections and what methods they use rather than setting out proactively to promote democratic direct elections. Having direct elections becomes thus not a right of workers but a `gift' from the enterprise owner and the higher-level trade union. This more passive approach reflects the continued subordination of the trade union to both the Party and now to capital.

Political, institutional and structural factors have thus combined to slow down and confine the introduction of direct elections to situations that are considered relatively safe. Trade union officials navigate a tricky course between the Syclla of Party dominance and the Charybdis of the growing power of private capital. This course is much more treacherous than in the pre-reform days, when state-owned production prevailed, for private entrepreneurs can more easily dismiss any overzealous trade union officials.

CONCLUSION

Direct elections have the potential to revitalise the trade union structure from the bottom-up by making grassroots trade union cadres more accountable and responsive to workers' interests. With pressure on them to take up the grievances of workers grassroots trade union cadres, who would require workers' support to gain re-election, should in theory prioritise workers' needs and so tilt the balance of interests away from the Party. With grassroots trade union cadres more responsive to workers, their activities should go beyond welfarism to include negotiation, contestation and mobilisation around workers' claims. In this way the union would move away from being a state towards a societal corporatist institution. This is at least what the reformist elements in the ACFTU hope for.

In practice, however, we have seen that the idea of direct elections has met resistance within the ACFTU itself, from the Party which insists on leadership over the mass organisations, and from foreign investors, who, if they accept any trade union establishment at all, prefer the status quo to a trade union engaged actively on behalf of workers. It has not been possible for the reformers within the ACFTU to institutionalise direct elections, leading to considerable variation in electoral practices and confusion around what constitutes a genuine democratic election. Even where elections have been carried out using the democratic 'sea elections' method, our research suggests that new union cadres are soon incorporated into existing trade union structures and working style.

The path of the trade union direct elections has thus taken a very different course to village elections, which have been institutionalised and generalised across the country.

On the one hand this reflects the lack of a coherent and cohesive group of visionary

reformers at different levels with strong links to sympathetic Party leaders and their failure to make the case persuasively; on the other hand it underlines the much greater sensitivity pertaining to labour issues and trade union reform which puts the Party doubly on its guard. Any significant move forwards with direct elections is only likely to happen when there is a shift in the political context, either because of regime crisis or because of political liberalisation. In the meantime it is likely that conservative union officials, who heed more the interests of the Party and factory owners than workers, will continue to resist the implementation of elections or manipulate them so as to ensure the election of safe candidates. So plus ca change, plus c'est la meme. With any fundamental trade union reform still in the distant future, we can expect workers to increasingly find their own ways to organise and resist workplace exploitation.

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ⁱⁱ For example, a senior official ACFTU informed us of two other models: in one, trade union members nominate and select a committee, whose members then are candidates for chair and vice-chair; in another, individual members and/or organisations nominate candidates for various positions (interview A2 30.03.2004).

A2 30.03.2004).

iii Clearly the simplistic model of Western trade unions as independent, adversarial and evolving out of grassroots activism cannot do justice to the gamut of trade union forms that exist. For a detailed discussion of differences between communist and capitalist trade unionism see Littler and Palmer (1986:253-271).

^{iv} As Lee (1986: 159) comments, 'Chinese unions have little of no "sub-system autonomy". Chinese union leaders make no pretense about this...Chinese unions are essentially an arm of the executive to mobilise the resources of society".

V Some of these changes include re-structuring the organisation, re-skilling trade union leaders to engage in collective bargaining, negotiate contracts, provide legal advice and mediate disputes, and participating in legislative processes.

^{vi} By the mid-1980s, for example, the State Council had issued an order permitting trade unions to participate in meetings of all administrative organs wherever workers' interests were touched upon (Chan 1993:53).

vii For further details of the three crises in the ACFTU's pre-reform history see Harper 1969 and White, Howell and Shang 1996: 41-42.

viii For a detailed analysis of the Party's response to events in Poland during the 1980s and the implications of these for trade union and labour policies see Wilson (1990a, b).

ix Pravda and Ruble (1986:3) describe classic dualism in terms of two distinct functions: the union's role in mobilising production and the union's role of protecting members' rights and interests.

^x Schmitter (1979: 105) distinguishes state from societal corporatism. He associates societal corporatism with post-liberal, advanced capitalist, democratic welfare states and state corporatism with political systems that are anti-liberal and authoritarian, where elections are non-existent, only one party prevails, with an exclusive ideology.
^{xi} Ni Zhifu commented: "Our trade union is more like a "government-run organisation", which has

xi Ni Zhifu commented: "Our trade union is more like a "government-run organisation", which has seldom played an independent role in organising activities..., since it has long been affected and fettered by the party's "centralised leadership", an administrative structure characterised by overcentralisation of power, and undue emphasis on keeping trade union operations in line with social interests" (quoted in Wilson, 1990b: 55).

xii In the early 1950s the ACFTU did have to mobilise workers into unions, the priority being to control workers for reinvigorating production rather than defending their rights (Lee 1986:41-44)

- xiii As a trade union chair from the North East of China lamented at a workshop on the WTO, labour relations and trade unions held in Beijing in October 2002, "The TU is like a government department. It is very administrative...The TU is a from top to bottom system..."
- xiv Interview, A1, 29.03.2004, senior official, ACFTU.
- xv Interview, C01, 19.05.2004. Vice-Chair of southern provincial Trade Union.
- xvi As far as I am aware, no such independent, rigorous surveys are available and given the sensitivity of these issues in China, we were not able to conduct any survey of workers' attitudes towards direct elections.
- xvii Interview, A2, 30.03.2004, senior official, ACFTU.
- xviii For example, interviews B07 21.04.04; A2 30.03.2004, Xinhua 2003a;
- xix Interview, C01, 19.05.2004, Vice-Chair of southern provincial Trade Union.
- xx Direct elections in Shekou were institutionalised locally through the promulgation of the `Shekou Industrial Zone Recruitment Bureau's Election Methods for Grassroots Trades Unions' in 1991(Nanfangdu Shibao 2003).
- xxi Interview, B03, Head of Grassroots Work Section of provincial trade union.
- ^{xxii} As a senior official in the provincial trade union pointed out, 'we didn't make this issue public because it involves many issues. It's very difficult to explain it theoretically or however. I've never written an article or anything on this. If you do this, the ACFTU can say that this is not correct, that is not correct' (Interview, C01, Vice-Chair of southern provincial Trade Union,19.05.2004). Similarly the head of the trade union in town H expressed his strong desire to keep a low profile about the work on direct elections, not only because of potential criticism from higher levels of the ACFTU but also because direct elections might provide an entry point for 'hostile forces infiltrating China'. Indeed the town Party secretary had given the go-ahead to the elections but emphasised that he did not want the town to be 'the first in the country or province', that is, to catch the eyes of the higher level authorities (Interview, C09, Chair of Trade Union, Clothing Factory, Town H ,24.05.2004).
- xxiii For example, see Nanfangwang, Nanfangdu Shibao, 'Zhixuan bu shi zuo xiu, Guangdong 1/3 qiye jiceng gonghui zhixuan chansheng', 09.07.2003
- Interview, A1, 29.03.2004. senior trade union cadre, ACFTU.
- xxv Interview, A1, 29.03.2004. senior trade union cadre, ACFTU.
- and organised by the China Industrial Relations College, IDS and GBCC, there was heated discussion amongst trade union representatives and scholars as to whether international labour standards were about the protection of Western markets or a genuine concern for workers' interests.
- xxvii See Su Wei Qing's July 2003 interview in Wang 2003.
- xxviii In his interview with Worker Daily reporter Wang Jiao Yin, Su Wei Qing states that `...jiben tan bu shang ye bu keneng shi juezhuyu waili liang de tuidong cai shi xiande' (basically we cannot say that and it is not possible that this [trade union direct elections] was only realised after promotion by external forces) (Wang, 2003).
- xxix See interview, A1, 29.03.2004, senior trade union cadre, ACFTU, on interpretation of Su Weiqing's views.
- xxx Note in particular point 2 which states "implement the basic line, strategy and policies of the Party, obey state law, regulations" and the last point "democratic work style, consciously receive workers' and the masses' criticism and supervision".
- xxxi For example, Su Weiqing states in his interview with Wang Jiaoyin, `...conger shi gonghui geng hao de fahui dang lianxi zhigong qunzhong de qiaoliang niudai zuyong' (thus it enables the trade union to perform the function of serving as a bridge linking the Party and workers) (Wang 2003).
- xxxii For example when discussing this coverage in the interview, a senior leader in the ACFTU commented that `there are many such reports. But the ACFTU leaders do not like to hear these'. 29.03.2004
- xxxiii For example, a senior official in a relevant department of the ACFTU expressed his frustration with the slow process of authorisation which he considered vital for promoting and extending direct elections, and linked this pace to the sensitivity of the issue, and hence the need for caution. Interview, A2, 30.03.2004.
- xxxiv As the vice-head of the Grassroots Organisation and Construction Section of a provincial trade union explained, they were pushing ahead with direct elections but their approach was one of pragmatic but innovative caution, not least because they had still not received any document from the central ACFTU stipulating if, or how, direct elections should be carried out (Interview, C02, 19.05.2004).

- xxxv For example a trade union official we interviewed (C11 24.05.2004) summarised the following methods used in the province: In some factories workers directly elect the trade union chair from multiple candidates; in others, workers nominate the candidates and the Trade Union Committee, then elect the trade union chair and vice-chair; and in the majority, especially in newly formed trade unions, the higher-level trade union and the enterprise director nominate candidates, which is a far cry from the more democratic sea elections!
- xxxvi Interview, C11, 24.05.2004. Chair of Trade Union, Clothing Factory, Town H.
- xxxviii This point is made as in village elections, where the successful candidate has to get more than half of the votes to be elected.
- xxxviii The trade union committee had three members, responsible respectively for sports, general living issues, culture and the women's committee, the last two tasks being carried out by the only female member (Interview, C12, Chair of Trade Union chair of printing factory, town H).
- xxxix Interview, C09, 24.05.2005. Chair of Trade Union, Town H.
- xl Interview, C02, 19.05.2004. Vice-Head of Grassroots Organisation and Construction Section of southern provincial Trade Union.
- xli Interview, C02, 19.05.2004. Vice-Head of Grassroots Organisation and Construction Section of southern provincial Trade Union.
- xlii Interview, C11, 24.05.2004. Chair of Trade Union, Clothing Factory, Town H.
- xliii Interview, C02, 19.05.2004. Vice-Head of Grassroots Organisation and Construction Section of southern provincial Trade Union.
- xliv Interview, C11, Chair of Trade Union, Clothing Factory, Town H, 24.05.2004. Similarly in an electronics company in town S, the directly elected trade union chair explained in a matter of fact way that extra overtime just had to be done (Interview, C12, Chair of Trade Union, Printing Factory, Town H, 25.05.2004).
- xlv Interview, C12, Chair of Trade Union, Printing Factory, Town H, 24.05.2004.
- xlvi Temporary and contract workers were thus not allowed to join the trade union. As Lee (1986) discusses, Red Guards mobilised these workers to attack trade union cadres.
- xlvii Interview, B03 22.04.2004.
- xlviii Interview, C01, 19.05.2004. Vice-Chair of southern provincial Trade Union.
- xlix Interview, CO1, 19.05.2004.
- ¹ Interview, C02, 19.05.2004. Vice-Head of Grassroots Organisation and Construction Section of southern provincial Trade Union. For example the factory trade union chair described the owner of the printing factory in town H, where direct elections had been in place since 1996, as supportive of trade union work and unusual in his broader concern for society (Interview, C12, Chair of Trade Union, Colour Printing Factory, Town H, 24.05.2004).