The survival and development of labor NGOs in South China

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Introduction

In this chapter, I discuss the role of the grassroots nongovernmental labor organizations (labor NGOs) as facilitators of the workers’ movement and discuss how this type of labor NGO engages in workers’ collective action and the risks that such a role may entail. When the freedom of association is limited and the right to strike is legally contested in China, it is empirically and theoretically interesting to see how these labor NGOs cultivate and manage their relationships with the Chinese state. I want to illustrate how the implementation of NGO projects can form, shape and interrupt the relationship between the NGOs and the Chinese state.

The existing literature on the development and role of labor NGOs in China tends to focus on the Chinese state and lays out the constraints and challenges that these labor NGOs face under the restrictive political circumstances while describing the ways in which the labor NGOs have played a positive role in contributing to legal reform, defending workers’ rights and fulfilling the missing role of the official trade union and local governments (Howell 2008; Pun 2008; Cheng et al. 2011). Recent research even illustrates some optimism about the increasing influence that these labor NGOs have in assisting Chinese workers in articulating their own interests and “collectively form a more active and participatory citizenry” (Cheng et al. 2010). This kind of viewpoint is in line with the popular international development discourse which views NGOs as important pillars of civil society and agents for democratization. Viewed as such, “[...] NGOs have become inextricably bound up [with] civil society, democracy, good
governance and social capital, all of which derive from western historical experience, and all of
which are employed as if their meaning were universal and unequivocal (Mercer 2002: 5).

In recent years, a few scholars have started to raise questions about the western-centric
view of NGOs as active and positive actors in international development and hold a more critical
view about the role of labor NGOs in China. In their article titled “The anti-solidarity machine?:
labor nongovernmental organizations,” Ching Kwan Lee and Yuan Shen argue that many labor
NGOs in China have to confront both the state and the market for their survival, which often
comes at the cost of establishing a trust relationship with workers; the labor NGOs more often
than not become the Party-state’s tool for maintaining social stability. Consequently, the labor
NGOs fail to achieve one of the crucial missions they claim they exist to accomplish: building

My study of the labor NGOs in South China is in line with this more critical view of the
role of the NGOs. By focusing on a development project of facilitating workers’ collective
action, which brings together the labor NGOs both in mainland China and Hong Kong, I want to
unsettle the popular idea of NGOs as a progressive and political force for society, a narrative
widely circulated among the international labor movement. More specifically, I draw on the
notion of informality to discuss the ways in which the labor NGOs manage their relationship
with the state and the workers. Informality becomes a practice of survival and is often context
specific and temporary. I argue that the labor NGOs may temporarily carve out a space for their
operation by engaging informal politics with the government, but such a strategic employment of
informality is not sustainable for their survival in the long run. In effect, it may lead to a loss of
identity and further marginalization of their organizations.
This chapter is based on my ethnographic fieldwork in Guangdong Province, South China where I spent thirteen months studying five grassroots labor NGOs and their partnerships with a labor organization in Hong Kong. I volunteered and worked as an intern in these labor NGOs ranging from five to eight months in each NGO. Sometimes my time was divided between more than one labor NGO at the same time. My tasks in these NGOs were very similar, usually involving a lot of documentation such as documenting staff meetings, training sessions, outreach activities, contacting foreign foundations, writing and translating project proposals, and conducting outreach activities. In this chapter, I draw on my ethnographic material predominantly from one labor NGO located in Guangdong Province. This labor NGO is a partner in the program of collective bargaining designed by the Hong Kong-based labor organization Chinese Workers’ Front (CWF). Due to the sensitive nature of their work, the names of the labor NGOs and the NGO workers discussed in this chapter are all pseudonyms. The Chinese names appear in this chapter are written in the same way as they would be in Chinese, that is, the surname is followed by the forename.

**Informal politics**

It is not possible to consider informality without taking into account its opposite, formality. The conceptual distinction between the formal and the informal is best known in Max Weber’s analysis on the traditional and the rational-legal modes of authority (Weber 1947). In Weber’s treatment, the terms of formality and informality are treated as distinct ideal types whereas in the empirical reality of social relationships and interactions the distinction between these two is unavoidably blurry and is often not even perceived. Keith Hart’s economic anthropology has made an important contribution to illustrate the dialectic relationship between the formal and
informal. Foregrounding the mutually constitutive relationship between formality and informality, Hart identifies that the formal and the informal can relate to each other in four different ways: as division, as content, as negation and as residue (Hart 2000; Hart 2006: 29).

With “division” and “content” Hart addresses the positive and interdependent relationship between the formal and informal, which derives from while at the same time is also mediated by various dichotomies such as the male and the female, the personal and impersonal as well as the public and the private spheres. These are complementary divisions that serve as important metaphors for organizing relationships and interactions in society. The interdependence between formality or bureaucratic forms and informality transpires when rules are translated into human action, which, according to Hart, requires personal judgment. Hence, “[…] informality is built into bureaucratic forms as unspecified content. […]. Workable solutions to problems of administration invariably contain processes that are invisible to the formal order” (Hart 2006: 30). With “negation,” Hart talks about how informality relates to the formal order in terms of actions taking place behind the official scene and thus often becomes synonymous with illegality, irregularity, corruption, dishonesty and nepotism. The last category of “residue” is employed to refer to some informal activities that exist in parallel to or separate from the formal bureaucratic order (Hart 2006: 31). With “residue,” Hart creates an analytical space where an exploration of what society is as well as the ways in which a measure of “legal pluralism” can exist along with formal legal institutions.

Following Hart, it is clear that the concepts of formality and informality are inherently unstable because both concepts inform and gives analytical value to each other. What constitutes the formal and the informal and their meanings ultimately varies depending on the social context. Therefore, instead of conceptualizing informality and formality as the opposite poles in social,
economic and political relationships and interactions, I focus on the interaction space where actors try to reach the optimal balance between formality and informality under certain or uncertain circumstances (Misztal 2005). I argue that governance happens in such an interaction space where labor NGOs in China try to gauge the limits of state control and find leeway for their activism. Crucial to the survival of these labor NGOs is the ways in which they move along the formality-informality spectrum. Situating the survival of the labor NGOs on the formality-informality spectrum allows me to examine the conditions for the “production and demands for trust and ways of generating trust” (Misztal 2005: 176). Viewed as such, the formality-informality spectrum can also be conceptualized as a contingent ordering of things, organizations, tactics, and people, in other words, relationships, that occur to satisfy new demands and define new state-society relationships as society becomes more complex and unpredictable.

This is a fruitful approach particularly in the Chinese context where “[t]he intertwining of Party and state hierarchies in a setting which is not well institutionalized makes somewhat irrelevant any attempt to distinguish between formal legal structures and informal power relationships” (Pye 1995: 37). More importantly, due to “the formative experience of guerrilla warfare and revolutionary mobilization,” (Hellmann and Perry: 2011: 11), China has a long history of institutional and policy instability which, according to Hellman and Perry, can be characterized as a “guerrilla policy style” (Hellmann and Perry: 2011: 11). It refers to “a process of continual improvisation and adjustment that ‘shapes itself in the making’” (Hellmann and Perry: 2011: 12, 22) that prioritizes flexibility and “pervasive uncertainty” (Stern and O’Brien 2012: 186). As a result, negotiating the formality-informality spectrum becomes a mode of
survival and existence for these labor NGOs when the political environment is restrictive and highly uncertain.

**Setting the scene**

Under the leadership of Deng Xiaoping, China undertook a far-reaching program of economic reform called “socialism with Chinese characteristics” and introduced market principles in 1978. The ensuing thirty years of economic reform have brought China unprecedented economic growth. According to the International Monetary Fund (IMF), China is now the world’s second largest economy by nominal GDP and the world’s largest economy by purchasing power parity. Although China’s economic miracle is largely a result of state strategy and the gradual release of market forces, it could not have happened without the toil of millions of rural migrant workers who have left and continue to leave their rural homes and move to the urban heartlands in search of employment.

Against the backdrop of this economic growth, another notable development since the mid 1990s has been the rapid growth of voluntary organizations, non-profits and various kinds of intermediary organizations which can be traced to the Chinese government’s keen interest in hosting the 1995 Fourth World Conference on Women as an attempt to fend off the international condemnation of the events in 1989. Because of this conference, more independent women’s organizations were brought into existence, which also helped to further a more positive climate for independent associations.

In many aspects, the governance of the emerging civil society sector in China by the Communist Party and state agencies remains restrictive but is also unable to keep up with the rapid growth of civil society organizations (CSO). It needs to be pointed out that different CSOs
are managed differently due to the kinds of services they provide. For example, CSOs are managed less intrusively if they provide social services or conduct work that the state supports that is not considered as threatening to the state. On the other hand, advocacy, religious, critical and policy-oriented groups are often much more closely monitored by state authorities. Before 2012, it was very difficult for CSOs to register as civil non-enterprise institutions or minban fei qiye danwei 民办非企业 (minfei for short) in China. This was due to the requirement of “dual registration,” a regulation that requires such organizations to find a professional supervisor or a supervisory agency (yewu zhuguan danwei 业务主管单位), usually a governmental institution or governmental non-governmental organization (GONGO) (Ma 2006: 64). NGO leaders refer to these supervisory agencies as “mothers-in-law” because they exercise day-to-day oversight (Ma 2006: 64). To be a supervisor for a CSO means one needs to be fully responsible for the operation and running of the organization. This is not a responsibility that many in the government are willing to take. As such, this regulation has practically made it very difficult if not nearly impossible for many CSOs to register. As a result, many CSOs are either unregistered or registered as private companies. The ambiguity of their status makes them an easy target of government harassment and crackdowns. In 2012, the central government relaxed its regulation on managing CSOs by abolishing the requirement of having a supervisory agency to endorse the registration of CSOs. This means that social organizations can now directly apply for registration with the Ministry of Civil Affairs.

**The emergence of labor NGOs**

Labor NGOs started to appear in the mid 1990s. Given their political sensitivity, many labor NGOs are left with no choice but to register as private enterprises or not register at all.
Consequently, it is difficult to produce an accurate figure of the number of labor NGOs in China. The first labor NGOs appeared in Beijing in 1996: Home of Beijing Migrant Women (Beijing dagongmei zhi jia 北京打工妹之家) and Beijing Action for the Community Sisters (Beijing shequ jiemei xing 北京社区姐妹行). These two labor NGOs were both registered as commercial entities. At approximately the same time, a labor NGO called Chinese Working Women’s Network (nügong guanhuai 女工关怀) was set up in Shenzhen by a group of activists and academics from Hong Kong. In 1998, a migrant worker established the Migrant Workers’ Document Handling Service (Dagongzu wenshu chuli fuwubu 打工族文书处理服务部) in Guangzhou.

Many labor NGOs have been formed to help migrant workers working and living in urban society. This is due to the residency permit (hukou) system, which divides the population into rural and urban sections wherein urban residents enjoy greater access to social welfare and education. The hukou system has been relaxed under reform and migrant workers are allowed to look for employment in other cities and establish temporary or long-term residency in the cities. However, urban authorities have taken advantage of the system and refused to grant any rights to migrant workers. As such, migrant workers encounter many problems and hardships such as inadequate access to housing, medical care, social welfare, and education for their children. At the workplace, migrant workers are often subjected to exploitation and abuse by their managers because of their ambiguous legal status. As a result, many labor NGOs have been set up to offer migrant workers such services as legal aid, counseling, computer skills learning, and literacy training.

A few words on the official trade union in China are in order. Created in 1925, the All-China Federation of Trade Unions (ACFTU) is the only legal representative of Chinese workers
and is generally run by Communist Party cadres. Other independent trade union organizations are strictly forbidden. As part of the mass organization apparatus of the Chinese Communist Party, the ACFTU was “intended to act as a ‘transmission belt’ relaying party edicts and government policies to workers, while conveying worker concerns and suggestions to the leadership. In practice, of course, the former function was fulfilled more effectively than the latter” (Gallagher 2004: 429 in Alagappa 2004, emphasis the original). Not only is the ACFTU hamstrung by its political subordination to the Chinese Communist Party but also by its financial dependence on employers, who contribute two percent of their payrolls to the union fund. The ACFTU’s responsibilities include organizing an enterprise-level trade union, protecting and representing workers’ legal rights and interests, and aiding workers during labor disputes; however, the union does not have the right to organize strikes or work actions.

The highly developmentalist mentality of many central and local leaders has also further marginalized the role of the ACFTU in that the trade union often serves as the middleman between enterprise managers and workers. Therefore, in terms of organizational autonomy, policy influence and interest representation, the ACFTU is an extremely weak organization. With the swift diversification in enterprise ownership through foreign direct investment, mergers, bankruptcies, and factory leasing, the role of the trade union is furthered pushed to the periphery (Gallagher 2004: 430 in Alagappa 2004; Gallagher 2005). Many enterprises operate without trade unions at all. During my fieldwork, I have met workers who don’t know what a trade union is or are not aware of the existence of the ACFTU. More often than not, I heard workers complaining about the uselessness of the trade union, mocking the ACFTU as a “signboard union (zhaopai gonghui 招牌工会).” One worker commented as such, “All they do is give
you a T-shirt when it’s holidays.” The ACFTU may enjoy a monopoly of representation with the endorsement of the Party-state but it has very little creditability and support among the workers.

**Green Grass Migrant Workers’ Service Center**

Green Grass Migrant Workers’ Service Center (hereafter Green Grass) was first founded by a migrant worker in 1998 and later taken over and is now run by a law graduate named Yang Haiqin. Green Grass started out by offering services in drafting legal documents for migrant workers and labor rights protection by bringing labor disputes to court. The workers had to pay a small fee for the services as Green Grass did not have any external funding. In 2002, with the help of a few Hong Kong labor groups, Green Grass started to receive foreign funding and since that time no longer charges for its services.

Since its creation, Green Grass has focused on helping injured workers claim financial compensation from their employers. They visit injured workers in hospitals and distribute information about the Labor Contract Law. The staff at Green Grass documents the problem of each worker who comes to seek advice and help at the organization and creates a file so as to follow up each case. These documented cases are valuable assets of Green Grass as they form a pool for recruiting potential volunteers and worker activists that are crucial to the survival and operation of labor NGOs. During my fieldwork at Green Grass, there were three full-time employees and an intern. Due to the limited manpower, the NGO relies on volunteers to carry out its work and reach out to migrant workers. Having an extensive network of volunteers and solid grassroots support is important for the operation of the NGO. This proved particularly crucial when Green Grass started to handle collective cases.
In 2006, Green Grass was going through a very difficult time, and was severely harassed by the local government and state security agents. The organization was forced to relocate and had to suspend all its services. However, with the help of a Hong Kong labor organization, four new branch offices were set up in four different cities in Guangdong Province aiming to continue serving the community of migrant workers, an unintended outcome of government suppression. Ironically, it turned out to be the prime time of Green Grass as a labor organization with a total of thirteen staff members working in these branch offices.5

Having relocated to an office building in the city center, Green Grass slowly resumed its services in 2007. Yang Haiqin also decided to adopt a different strategy by actively cultivating relationships with the local government and ACFTU. This was done by inviting government officials to give seminars on labor laws and offer legal advice to local law enforcement agencies and legislatures. A high-level ACFTU official also visited Yang Haiqin to learn how he runs his organization. Later when I was interviewing this ACFTU official, I asked him why Green Grass has not been able to register as a civil non-enterprise institution. He replied, “If Green Grass was able to register as minfei, what kind of message would that send to the other labor NGOs? They would think that if Green Grass can register, they can too. What else can the trade union do?” His reply shows the significant status of Green Grass as a labor NGO in the PRD region. If Green Grass were registered successfully, it would suggest that it has earned from the government the recognition of its work and contribution to migrant workers. Moreover, the official’s response also indicates that the labor NGOs are essentially in competition with the ACFTU. Up until today, Green Grass continues to exist and operate without any formal registration status.
Although the relationship between Green Grass and the local authorities has improved over the years, the NGO is still subject to state surveillance. Two key state agents are running the surveillance machine. One is the Public Security Bureau (PSB) or guobao 国保. They are the local police whose responsibility is to keep law and order in the community where they are based. The other one is the National Security Agency (NSA) or guoan 国安. The National Security Agency deals with issues that concern China’s national security so it operates vertically on municipal, provincial and national levels. Since most of the labor NGOs receive funding from abroad, they tend to be labeled as having connections with foreign forces. The labor NGOs use the euphemism of “drinking tea” to describe these police visits. It is not uncommon that the labor NGO leaders describe such visits in friendly terms and see their meetings with the state security agents as “routine,” “very common” or “they are just doing their job.” When I inquired about the emotional stress that can occur during such meetings, one NGO director said, “it’s not a big deal. Plus you get a free meal!” Another director said, “they don’t use violence as much nowadays, so it’s ok.” During my fieldwork, a staff member at Green Grass told me that the director needs to report to the PSB about everything including who comes to visit, what activities they have done, what events are going to take place, whether there are any collective cases and so on. I later found out that my resume for applying for the internship at this NGO was also sent to the PSB. This was revealed to me via office gossip.

In 2011, Green Grass formed a partnership with the Hong Kong labor group Chinese Workers’ Front (CWF) and started handling collective cases by helping workers to initiate collective bargaining with their employers. In this project, under the supervision and management of CWF, Green Grass is responsible for finding potential collective bargaining cases through media reports, Internet forums, Weibo, hotlines, worker trainings and the NGO’s
existing network. Once the labor NGO comes into contact with the workers who have issues with their employers, the NGO will try to coach and advise the workers on how to have their demands met through collective bargaining. According to CWF’s project description, the coaching offered by the labor NGO includes activities such as legal education, collective bargaining training, factory analysis, the formation of factory-specific bargaining requests, instructions on how to democratically elect worker representatives, and how to bargain with management.

A few words on collective bargaining in China are in order. The term “collective bargaining” has only appeared recently in China while the predominant and official expression has always been “collective consultation.” With the use of “collective bargaining,” the Chinese government is concerned that it implies the presence of conflicting labor relations. However, in recent years some local officials have started to use the term “collective bargaining” in their official documents. In Western societies, the mechanism of collective bargaining is deemed to further workers’ interests where trade unions are considered to be the legitimate units of bargaining, whereas in China, the only trade union allowed to represent workers’ interest is the ACFTU which is crippled by its political subordination to the CCP. Therefore, the Western understanding of the role of trade unions differs greatly from the Chinese situation where the role of the ACFTU in representing workers’ interests is problematic. It needs to be pointed out that workers in China strike in order to initiate a negotiation, similar to a type of “collective bargaining by riot,” a term introduced by British historian Eric Hobsbawm to describe the widespread problem of machine-wrecking by the British workers in the 18th and 19th centuries (1968: 5-22). This is very different from how it is in other countries where strikes are the last measure.”
Although the right to strike is neither included in the Chinese constitution nor in such laws as the Labor Law, the Trade Union Law and the Labor Contract Law, it is worth pointing out that strikes are not criminalized (Chan 1998: 142), which puts strikes in China in a legal limbo. This is not to say that there is no risk for workers who go on strike. Workers who go on strike usually face the risk of being discharged by their employers, which is particularly so for those who lead and organize the strike. In addition to the risk of losing their employment, striking workers also face the risk of being arrested by the police on charges of disrupting public order.

The ambiguous status of strikes in the Chinese law also gives the labor NGOs some leeway to organize and mobilize workers, or to engage in “contentious politics” (Tilly and Tarrow 2007). But “it requires skills,” noted Zhang Guoqi, staff member at Green Grass. When I was doing fieldwork at Green Grass, I noticed that all the collective cases were referred to Green Grass through the organization’s existing network of volunteers, friends and workers who have received help from Green Grass in the past. Commenting on the risk of engaging in workers’ collective action, Zhang Guoqi said, “Green Grass has a long-established reputation (laozihao 老字号), so many workers know about us. Sometimes when they hear about collective cases, they will tell us. But our principle is that we don’t get involved when the workers have already initiated collective action. It is too risky. Many of the cases we have handled started from scratch so we can help organize and cultivate the workers slowly. We help cultivate active workers who are trustworthy and can lead the group. If we slowly intervene and help the workers to set up their workers’ representative committee so that the workers’ representatives play a role in leading the group, it is okay for us to guide and coach on the side. […] so you can manage the exterior risks. Any action taken [by the workers] should come from the decision made by the
workers’ representative committee. This is a more rational approach that we want to encourage.” With the “exterior risks,” Zhang Guoqi referred not only to the risk of workers being arrested but also the political risk that his organization would face when involved in collective action. The key is to let the workers be fully in charge of their action while Green Grass takes up the role of coaching and guiding. By actively cultivating workers’ representatives in collective action, Green Grass can not only obtain information and updates on the workers’ action, but also try to ensure that the workers’ action does not go beyond the control of the organization and make Green Grass accountable. As Zhang Guoqi notes, “You don’t want to give them (the police) any reason to arrest you.” Zhang Guoqi’s words clearly show how the labor NGO has to work informally to organize and mobilize workers as it is not a legitimate (formal) interlocutor between the state, employers, and workers.

**Giving the government union credits**

When I first visited the office of Green Grass, I noticed a bright red-colored banner hanging on the wall to the left of the entrance. That was the only banner on the wall hanging next to six framed photos showing some activities and outreach services that the organization had with the workers in the past. In the middle of the red banner ran the following text: “*Workers’ Solidarity Has Power, Collective Bargaining Yields Results*” (gongren tuanjie youliliang, jititangpang youchenggou 工人团结有力量 集体谈判有成果). On the upper right-hand side of the banner said: “To Green Grass Migrant Workers’ Center” whereas on the lower left-hand side said: “From 199 Workers of Bao Han Jewelry Factory.” It was dated in September 2012. Zhang Guoqi proudly told me the story of these workers and said that it was their very first successful case of helping the workers to conduct collective bargaining. “It was a very long process and the
management treated the workers very badly,” said Zhang Guoqi. One incident that seriously
damaged the morale of the workers was that two workers’ representatives were taken away by
the police.7 It took more than a year for the management to agree to meet the workers’ demands
for annual leave, high temperature allowances, and social security among other things. However,
almost all the workers involved in this collective action left the factory because of the
acrimonious atmosphere at work.

Going back to the red banner, Zhang Guoqi told me that the local ACFTU also received
one from the workers. “I told them [the workers’ representatives] that they have to make sure
that the chairman of the local ACFTU receives the banner no matter what,” said Zhang Guoqi.
He then showed me a photo of the workers’ meeting with the chairman of the ACFTU on
Weibo.8 In the photo, the four workers’ representatives from Bao Han and the chairman of the
ACFTU were in the center holding the red banner together. The banner read: “Workers’ Rights
are Protected. Trade Unions Support Workers” (gongren quanyi youbaozhang, gonghui zuzhi
shihoudun, 工人权益有保障，工会组织是后盾). Also in the photo were two ACFTU officials
and Zhang Guoqi. Everyone had a smile on their face. This picture was posted on Green Grass’s
Weibo accompanied by the following text: “Today, four workers’ representatives from Bao Han
on behalf of 199 workers visited the local chapter of ACFTU to hand in a banner. The banner
says: ‘Workers’ Rights are Protected. Trade Unions Support Workers.’ The workers want to
express their gratitude that the ACFTU was behind the workers in their battle of defending their
rights. The workers have faith in the ACFTU to speak for the workers and defend workers’
rights.”9 This post was shared widely among the network of Green Grass, including other
ACFTU officials, scholars, labor NGOs, and the workers.
A few weeks later, I was invited to a celebratory dinner with the jewelry workers from Bao Han. The workers were celebrating their victory for having a successful negotiation with their employer. At the party, one of the workers’ representatives from Bao Han told me that they had also invited the ACFTU officials to the dinner. “We knew they wouldn’t come to this but Qi Ge (a nickname for Zhang Guoqi) told us that we had to invite them (the ACFTU) so as to show our gratitude to them. We wanted to make them feel that they have helped us greatly. But we knew they wouldn’t come. The invitation was really just a formality.” According to this workers’ representative, both the banner and the dinner invitation for the ACFTU were like “putting up a show” and the workers agreed to go along with the act because they were grateful for how Green Grass had helped them along the way. It is worth mentioning that towards the end of the dinner party, Bao Han workers decided to leave the remaining 1500RMB of their solidarity fund with Green Grass as a token of gratitude and trust.

In their more than year-long battle defending their rights, the workers from Bao Han had visited the ACFTU local branch and submitted their petitions several times, but the trade union officials never responded or handled their petitions seriously. “They were just passing the buck to each other (huxiang tipiqu 互相踢皮球),” noted a worker from Bao Han describing how the authorities concerned were indifferent to the workers’ grievances. It was only at the later stage of their collective action that the trade union officials started to make an appearance and get involved. Despite the expected indifference and sometimes contempt from the labor authorities, when dealing with workers’ problems, Green Grass always encouraged the workers to first seek support and help from the ACFTU local branch and other labor authorities.

Knowing that such visits are often futile, Green Grass still stressed the necessity of going through the legal procedures and trying all the legal channels. There are obvious reasons for
doing so. First, it gives the workers’ collective action some degree of legitimacy in that when challenged, they can say that they have tried every legal channel before resorting to collective action such as stoppage or strike. Second, having tried all the legal channels, the workers can hold the concerned authorities accountable for not doing anything. When coaching the workers to submit their petition to the local labor authorities, Zhang Guoqi always instructs the workers to send their petitions, relevant documents, and applications as registered mail. “When you send it as registered mail, you will get a receipt. The recipient has to sign upon receiving the mail. Then you will have evidence to show that you have indeed sent the document so they [the local labor authorities] can’t say that they didn’t receive anything from you,” explained Zhang Guoqi. Moreover, by actively giving credit to the ACFTU in assisting the workers’ collective action, Green Grass also hopes to give their involvement with the workers some kind of legitimacy. Having a picture taken together with the local trade union officials, Green Grass could publicly show that they had the support from the trade union in their assistance in the workers’ collective action. According to Yang Haiqin, this is a tactic that benefits both parties: the ACFTU gets the credit while Green Grass can continue to exist and operate as a labor NGO without too much harassment from the state security agents. Yang Haiqin stressed, “This is how we protect ourselves.”

The ways in which Green Grass helped Bao Han workers and gave the local government and trade union credit for the successful settlement of these workers’ grievances illustrate how Green Grass tried to navigate along the formality-informality spectrum. While having coached the workers to follow formal legal procedures for reporting grievances, Green Grass continued to informally mobilize and organize the workers by instructing them how to negotiate with their employer. In order to protect themselves from being labeled as “attempting to instigate a
disturbance,” the staff at Green Grass kept in close contact with the workers via mobile phone and QQ, a popular instant messaging service in China. That Green Grass had arranged for the media to take a photo when the workers went to give the red banner to the ACFTU local branch and later widely posted the photo on Weibo is an interesting manipulation of making what was informal/hidden into something formal/public. That the workers were instructed by Green Grass to invite the trade union officials to the celebratory dinner banquet knowing that the trade union people would not come, was another attempt at negotiating the formality-informality spectrum. If the trade union had participated in the dinner, what was intended to be an informal dinner with the workers and the NGO would have become a formal occasion and even given Green Grass official recognition for its role in this case. As the staff at Green Grass said, “it is not important if they [the ACFTU] came or not. What matters is that they were given credits for all the work. If they did show up, they would probably have a lot to explain to their superiors.” Green Grass’s efforts to move along the formality-informality spectrum can also be seen as an attempt to reduce indeterminacy and uncertainty of their role in assisting the Bao Han workers.

**Spreading risks**

Soon after the case of Bao Han, Green Grass started to have more and more collective cases. One day in early October, 2012, I was sitting at the conference table together with Zhang Guoqi and Mei Yue, the worker turned intern at Green Grass, in the office. Yang Haiqin walked in looking obviously upset and stressed. We all looked at him as he came and sat down with us. As it turned out, Yang Haiqin had just been asked to drink tea with the Public Security Bureau (PSB). According to the director, some people at the PSB were not happy that Green Grass was helping workers to push for collective bargaining on the factory floor. Yang Haiqin was told to stop the
project of collective bargaining. This put Yang Haiqin in a difficult situation as Green Grass was fully funded by the collective bargaining project in collaboration with CWF. If Yang Haiqin succumbed to the pressure of the PSB and gave up the collective bargaining project, his organization would face immediate financial problems.

Yang Haiqin noted to us sitting at the conference table that the 18th National Congress was going to be held in early November, so “if we are just doing the project of collective bargaining, it is too risky. We need to start visiting injured workers again so we can spread the risk.” Later at the staff meeting, Yang Haiqin instructed Mei Yue to start visiting injured workers in the hospital and distribute leaflets introducing Green Grass as a labor organization that helps injured workers to claim financial compensation from their employers. Yang Haiqin’s mentioning of the upcoming annual meeting of the National Congress is a clear illustration of the calendar of activism, a type of tacit knowledge, commonly shared among the NGO community. The calendar of activism represents “a collective understanding of the best and worst times to criticize the state” (Stern and Hassid 2012: 1246) and can prevent NGOs and activists from acting for several months or sometimes even years.

In an attempt to mitigate the tension between his organization and the PSB, Yang Haiqin decided to respond to the message he received from the PSB by adding another project so as to send out a different and mixed message to the PSB: Green Grass doesn’t only do collective bargaining but also undertakes other projects. Yang Haiqin’s hope was that by doing one more project, he could divert the attention of the PSB thus spreading the political risks that his organization was facing. The following week I went with Mei Yue to visit the workers in the hospital. Carrying a few dozen leaflets in her bag, she complained to me, “We are so busy with the collective cases we have right now. Who has the time to handle individual ones?” In the next
few weeks, I observed that the staff at Green Grass did still receive the individual workers who came to seek help and give advice, but after writing down their personal details and problems, the staff mainly asked the workers to return on Saturday when a free legal clinic service was open.¹⁴

This incident clearly shows how Green Grass had to navigate the complicated political landscape where the work of and poor communication among different government organizations can create tensions. While openly and formally praising the ACFTU’s role in assisting Bao Han workers did allow Green Grass to informally continue doing its collective bargaining project, for the PSB, organizing workers to take collective action was too sensitive to turn a blind eye to. By appearing to add another project that his organization was doing, Yang Haiqin was trying to spread the risk by creating one more role for his organization, a role that it used to play. Viewed as such, Yang Haiqin was doing something similar to what Goffman describes as “role distance” (Goffman 1961: 123-5), a kind of informal tactic of trying to manipulate a situation in order to achieve goals or to gain or maintain trust. According to Goffman, when a person shows his or her distance to a role, this person puts brackets around the role or the task activity in question hoping that the level of concern required for it would decrease and thus give more freedom to the person in choosing how to interact in the situation (Goffman 1961: 125). Role distancing is how the labor NGOs shift their role between being a service provider and a rights defender. It is in these contingent shiftings where Green Grass tried to create a sense of order out of their relationship with the Chinese state which is prominently marked by uncertainty and ambiguity.

However, in addition to adding one more project to Green Grass, Yang Haiqin also developed another personal strategy of spreading the risk and it had created tensions among the
staff and difficulty in implementing the collective bargaining project. I didn’t learn about it until I had left Green Grass and started doing fieldwork in Hong Kong when I met Zhang Guoqi at a workshop organized by CWF. During the tea break, Zhang Guoqi came to chat with me. He told me that it had become increasingly difficult to pursue the project collective bargaining project because of “the spectacled,” which was the nickname he has for Yang Haiqin.

“Once I was meeting Chen Yishen (a well-known lawyer who was also a partner of CWF) in a hotel where we were going to meet with some workers to discuss our plans. As soon as I arrived in the hotel, the police came. I thought it was strange that they (the police) would know about this meeting and even show up so quickly. The spectacled must have told them (the police). Then it happened again at another meeting. I was meeting a group of workers in a restaurant. As soon as we arrived, 20 police officers were outside the restaurant. What a show! It must be him (the spectacled). No one else! They knew the place and time. There is no other way that they could have found out so fast,” said Zhang Guoqi. Casting a look at Yang Haiqin, who was also present at the workshop, Zhang Guoqi continued, “Now Wei Qiang (the other full time staff member at Green Grass) and I were concerned that he (the spectacled) would sell us out to the PSB. When he (the spectacled) got a phone call (from the PSB) telling him that he shouldn’t take a certain case, he would assign the case to either me or Wei Qiang. But the thing is: if it goes well with the case, for example, the workers successfully receive compensation without causing any or too much disturbance, then he has no problem with taking credit for that. But if something goes wrong, he would say that he didn’t handle the case but it was us.”

The fact that Yang Haiqin might have been giving the PSB too much information also concerned the Hong Kong-based CWF. CWF’s project manager Shi Ling once complained to me that she had to cancel a workshop last minute because Yang Haiqin told the PSB about it. “I had
made all the arrangements, the venue and the hotel. Everything. One day before the workshop, he (Yang Haiqin) called and said that he couldn’t come with the workers because the PSB said so.” Few months later when Yang Haiqin was able to travel to Hong Kong again, the director of CWF told him this, “I know you have to deal with the PSB but you don’t always have to tell them everything. The more you tell, the more work you create for them. They will have to follow up on what you say.”

The concern expressed by Zhang Guoqi and CWF shows how the partnership between these labor NGOs is, to a significant degree, predicated on how they negotiate and gauge their distance to the Chinese state. Towards the end of my fieldwork, Yang Haiqin had leaned towards the PSB to the extent that he had lost trust from his co-workers and partners in Hong Kong. By feeding the PSB more and more information about what collective cases Green Grass had heard about or were handling, Yang Haiqin appeared to have tried to carve out a space for his organization to continue to exist at the expense of his partners, or in the words of Shi Ling, “he has sold out a lot of people!” CWF decided that they would not renew their partnership with Green Grass once the current contract expired.

**Conclusion**

I finished my fieldwork in September 2013 and returned to Sweden. One day in April, 2014 I was talking on the phone with Zhang Guoqi who told me that things had not been good for Green Grass since I left. At the time of our phone conversation, Green Grass was being harassed by the local government which had cut the water and electricity supply of the organization. I inquired Zhang Guoqi about the reasons behind the harassment and he replied, “only the spectacled (the director) knows what’s going on,” and left it at that. Then he changed the topic and shared with
me the good news that he is going to have his own labor NGO with the support of CWF and he will continue pushing for collective bargaining in China.

In this chapter, I have discussed the ways in which Green Grass adapted to cultivate and manage its relationship with the state. Using the notions of formality and informality, I have treated these tactics employed by Green Grass as ways of engaging in informal politics and trying to reach an optimal balance between the formal and the informal. There were small successes as well as setbacks. As I noted earlier, the notions of formality and informality are unstable, and when it is about politics, which involves various interests, values and preferences contending with each other, these notions become even more volatile. As much as engaging informal politics gives the labor NGO some space to develop and manage relationships with the state while carrying out its project, the intrinsic uncertainty in informal politics also generates a lot of risk and ambiguity for the labor NGO and makes balancing different relationships (with the workers as well as partners in Hong Kong) an even more daunting task.

When talking to development workers working in China, I have noticed that it is generally accepted by foreign NGOs and donors that having a certain kind of relationship with the Chinese state is a precondition for carrying out any type of NGO work. Green Grass was first chosen by CWF precisely because of its known good relationship with the government authorities and connection with workers. In order to carry out the project of collective bargaining, Green Grass employed several informal tactics such as giving the official trade union credit for all the good work that Green Grass did and active reporting to the PSB. While the uncertainty of informal politics opens up space where Green Grass can try to find leeway, it also makes it even more challenging to cultivate any stable relationship with the government authorities. With the example of Green Grass, it is clear that the labor NGOs in China do not
have much power in determining nor defining their relationship with the state. The formality-informality spectrum, to a large extent, still very much operates on the terms laid down by the state. As such, while engaging in informal politics may temporarily help the labor NGOs to survive and operate, in the long run, with the perplexing vagaries of Chinese politics, it does not help the labor NGOs to accumulate political momentum so as to become a progressive force of change in society.

Notes

1 By “grassroots,” I mean those labor NGOs that have emerged and survive outside the control of the state. By “labor NGOs,” I mean labor organizations that are devoted to protecting and promoting migrant workers’ rights and that have a physical office or base. I do not consider official registration status as a necessary criteria since some labor NGOs operate without having registered either as a non-profit social organization or a private company.
3 Here civil society sector refers to a range of non-profit, philanthropic and other social organizations, which will be called civil society organizations (CSO) in this paper.
4 According to the civil procedure law of China, Chinese citizens who are not professional practitioners of law can attend the court to represent and defend on behalf of the person or the client who is in legal proceeding. The person who represents the client is referred to as professional citizen’s legal agent or gongmin daili in Mandarin. According to the law, a citizen legal agent can be a close relative to the client, recommended by a registered social organization or the client’s employer (or danwei) or any Chinese citizen approved by the local people’s court of law. The law stipulates that it is illegal for a citizen legal agent to charge anything for his or her service. On January 1, 2013, a new amendment to the civil procedure law of China was announced. This new amendment has tightened up the criteria for citizens’ legal agents and made it literally impossible for non professional practitioners of law to represent other citizens in court.
5 When I was doing fieldwork at Green Grass Migrant Workers Service Center, there was only one branch office left due to the internal politics in the organization where some staff members were not satisfied with the leadership of Yang Haiqin and decided to leave and become independent from Green Grass.
6 In 2008, the Shenzhen government was the first local government in the country to adopt the term officially in the amended version of its Shenzhen Implementation Measures for PRC Trade Union Law. In January 2010, while deliberating on the Shenzhen Collective Consultation Ordinance, many standing committee members of the Shenzhen Municipal People’s Congress suggested using “collective bargaining” instead of “collective consultation” as a means to strengthen workers’ confidence in their legal rights (Chan and Hui 2014: 225).
7 The two workers’ representatives were detained for “instigating the workers to illegally detain the manager.” According to the workers and Green Grass, the situation was a standoff between the workers and the management. The workers were demanding a response to their requests, but the manager refused, so the workers gathered outside the manager’s office and waited. The standoff lasted for two days. The two workers’ representatives were detained for 25 days. Three days into their detention, the two workers’ representatives were dismissed by the factory because they failed to show up to work.
8 Weibo is a Chinese microblogging website akin to Twitter and Facebook. It was launched in 2009.
9 I have translated the main point of the Chinese text posted on Weibo. The full Chinese version of the text is as follows: “今日，XXX 有限公司的 4 名工人代表该公司的 199 名工友到 XXX 总工会送锦旗，锦旗内容是”
工人权益有保障，工会组织是后盾”，感谢 XXX 总工会坚定捍卫工人权益的立场和做法，工友们信赖这样为工人说话、捍卫工人权益的工会组织！XXX 总工会 XXX 等工会领导接受锦旗并与工人座谈。” The names of the factory, the city, and trade union officials are taken away to protect their confidentiality.

10 The renminbi (RMB) is the official currency used in China. The ISO code for renminbi is CNY, an abbreviation for Chinese yuan. At the time of writing, one US dollar equals approximately six Chinese yuan.

11 With the coaching of Green Grass, Bao Han workers set up a solidarity fund with money coming from each worker involved in the collective action. The solidarity fund is for covering expenses that may occur during the workers’ collective action such as travels to or mailing documents to the labor authorities. It is up to the workers to decide how much each worker should contribute to the fund. It can be 50RMB or 100 RMB. The fund is managed by the workers themselves.

12 During their negotiations with the management, two representatives of Bao Han workers were arrested and detained by the police. They were accused of instigating the workers to cause disturbance at work. This incident was a turning point for the workers as it brought the workers even closer and more people including the lawyers got involved. The lawyers, representing the two representatives, met with the ACFTU and explained the unfounded allegations against these two workers. The ACFTU officials started to appear at the meetings between the workers and management.

13 In late September 2012, the Chinese Communist Party announced that the party’s 18th National Congress would be held on November 8th finally putting an end to months of secrecy and speculation about the exact date when the power holders would convene and choose new national leaders of China.

14 This weekly legal clinic service is run by some law students from a local university. These students offer free legal advice and consultation as well as help the workers to draft legal documents.
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