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Community-based organizations for migrant workers' rights: the emergence of labour NGOs in China

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Abstract In 1978, when economic reform began in China, it was the party-state-controlled people's organizations that were most deeply involved in people's work and social life. For example, the official trade union, the All-China Federation of Trade Unions (ACFTU), was the one and only legal organization representing workers. Although people who worked for state-owned enterprises were mostly unionized under the umbrella of the ACFTU, the new migrant workers in private enterprises were basically unorganized. Since the mid-1990s, labour activists, some of whom are supported by the international civil society, have tried to establish an alternative form of organization, specifically labour non-governmental organizations (NGOs), for migrant workers. The labour NGOs are concentrated in the Pearl River Delta of South China and provide services in migrant workers' settlement communities. This paper evaluates the degree to which the labour NGOs have maintained a relatively autonomous civil society space for the vulnerable migrant workers and nurtured a democratic form of labour organization.

Introduction

Since the late 1970s, state-centred development programmes in China have waned as a result of the domination of neo-liberal public policy in a globalizing world; however, since the 1990s, the global social movement has

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created a new opportunity for community-based development (Mayo, 2008). Although the number of labour non-governmental organizations (NGOs) has proliferated, and the trend of labour NGOs advancing labour rights has extended from South China to the North (He and Huang, 2008; C. Chan, 2009b), their scope and limitations in the context of the changing political economy have not been studied. Drawing on the author's practical and fieldwork experience since the early 2000s,[1] this article reports and reflects on the development of community-based independent labour NGOs in the globalized China. The author argues that the labour NGOs, which are backed up by the global civil society and rooted in migrant workers' communities, have the potential to empower the vulnerable workers and create a space for an independent civil society, although they cannot be regarded as democratic working class organizations.

Authoritarian state and semi-civil society in China

Before 1978, the party-state controlled every aspect of people's lives. The 'work unit' (*danwei*) and the household registration system (*hukou*) were two of the most effective mechanisms for controlling the population (Yan and Gao, 2007). In terms of social organization, the official trade union, the All-China Federation of Trade Unions (ACFTU), was the one and only legal organization for workers.

After 1978, market reforms caused the loosening or relapse of both the *danwei* and *hukou* systems. Inspired by the rise of 'civil society' in eastern Europe, scholars have argued that the social organizations in China will erode communist rule, and have the potential to develop into a quasi-Western civil society (e.g. McCormick, Su and Xiao, 1992; White *et al*, 1996; Howell, 2000). This position has been rejected by others who highlight the capacity of the party-state to control civil society through the concept of 'neo-authoritarian corporatism' (e.g. A. Chan, 1993; Unger and Chan, 1995). Rejecting this dichotomy, B.G. He (1997) argues for 'the notion of a semi-civil society in China'. According to him, 'Chinese autonomous organizations are neither completely autonomous from the state nor completely dependent on the state' (B.G. He, 1997, pp. 7–8).

1 The author has been a board member or an advisor for a number of prominent labour NGOs in Hong Kong, Shenzhen and Beijing since 2003. He also worked full-time for one year as a project coordinator in an NGO in Shenzhen. From 2009 to 2010, he had been commissioned to do a project evaluation for another labour NGO. He has organized and participated in many conferences and staff training sessions for labour NGOs. He has paid field visits to many labour NGOs in the provinces of Guangdong, Shandong, Jiangsu and Yunnan and the city of Beijing. All of the data presented in this paper are from the author's fieldwork and practical experience, except where other sources are acknowledged.

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In urban China, the party-state has started to promote 'community construction' by reforming the local residential committees. However, as Yan and Gao (2007) rightly point out, the state-sponsored 'community' in China does not have any connection to civil society. In recent years, the Chinese government has started to introduce social services at the community level to tackle social problems resulting from rapid socio-economic change. Nevertheless, there is as yet no sign of any intention on the part of the party-state to promote community empowerment through these new initiatives (Lin *et al*., 2009). The state still controls urban communities, using the top-down approach of social engineering (Yan and Gao, 2007). Scholarly attention has been paid to the positive role community-based labour NGOs have played in protecting labour rights, by challenging the authority of and filling the missing role of the ACFTU and the local government (e.g. Huang, 2006; Yue and Qu, 2007; Howell, 2008; Jiang and Sun, 2008; Pun, 2008; Cheng, Ngok, and Huang, 2010). Huang (2006, p. 100), for example, concludes that 'migrant workers' organization in South China have played an important role in nurturing labour rights consciousness, enhancing the mobilizing capacity of labour organisations and the workers' capacity to adapt to the urban lives.'[2] One of the rare reservations on labour NGOs is expressed by Cheng, Ngok and Zhuang (2010). They (2010, p. 1106) suggest that the future of labour NGOs is 'uncertain' as the labour NGOs do not have a formal legal status and because of the 'strong government, strong capital, week labour' situation in the labour market. According to them (2010, p. 1105), 'the government can set up mechanisms to control the civil groups' existence and operational space ....' This perception leads us to two unanswered questions. First, how can 'weak' labour NGOs survive and expand in the face of a 'strong' state (Chan, Qiu, and Zhu, 2005)? Second, to what extent are labour NGOs, as alternative forms of labour organization, democratic and sustainable? This paper tries to address these two questions through a systematic review of the strategies of labour NGOs, as well as the institutional and internal constraints facing them.

Contextualizing labour NGOs in South China

China's integration into the global economy has created millions of migrant industrial workers. In general, migrant workers are workers who work in the city but are of a rural *hukou*. The characteristics of migrant workers have defined China's development strategy, labour market and industrial relations. As the engine of economic development, labour-intensive,

2 The author's translation.

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export-oriented, light industry has been concentrated in the coastal areas for the past thirty years. The Pearl River Delta (PRD) region in the Guangdong province is the most densely concentrated export-processing zone (EPZ) in the country. Since it is very close to Hong Kong, the PRD has attracted immense overseas industrial capital, as well as the most migrant workers since the 1980s.

J.W. He and Huang (2008) point out that there are about 80 million migrant workers in the PRD and that their major problems are overtime work, no labour contract, low wages, wage arrears and high injury rates. In 2005, over 20 percent of all labour disputes in China came from the Guangdong province, and they were concentrated in the PRD. The number of cases handled by labour dispute mediation committees of one single city in the PRD, Shenzhen, was one-tenth of the national figure (*Nan Fang Ri Bao*, 2004).

Faced with the sweatshop-like labour conditions, the local governments and the ACFTU have long been neglecting their duties to enforce labour laws and protect workers' rights (A. Chan, 2001). J.W. He and Huang (2008, p. 48) cite a survey showing that only 1.9 percent of injured workers received support from the trade unions, and only 4.5 percent of them received support from the government. Although the ACFTU has been promoting the organization of trade unions in foreign enterprises since the early 1990s, many of these new unions are essentially employer-manipulated (A. Chan, 2006). They are formed to meet the requirements set out by the higher level trade unions, local governments or corporate social responsibility (CSR) audits (Pun, 2005), but do not have any substantial operational power. In the early 1990s, labour activists tried to organize independent trade unions that would not be subordinated to the ACFTU, but these unions were banned (Lee, 2007). In this context, some activists began to look for a flexible and realistic way to provide assistance and support to migrant workers by establishing labour NGOs in the PRD starting in the mid-1990s.

Hong Kong's labour organizations and international civil society played an important role in the development of labour NGOs in the PRD. Hong Kong is in geographical proximity and is cultural similar to the PRD. When Hong Kong's capitalists rapidly increased their investments in the PRD after 1992, Hong Kong's labour groups started to look into the situation of migrant workers. They have fought for the improvement of workers' lives through investigations, publishing reports and collaborations with international consumer movements. One of the most well-known cases was the Zhili Toy Factory fire in 1993, which resulted in the death of eighty-seven workers. Hong Kong's labour groups, together with Western trade unions and consumer groups, pressured the Italian brand

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'Chicco' to provide compensation for the victims. Since then, labour groups like the newly formed organization The Chinese Working Women Network (CWWN) and the long established Hong Kong Christian Industrial Committee (HKCIC) have become active in the region.

CWWN was initiated by a group of scholars, social workers and feminists in Hong Kong and they raised funds for the organization from Hong Kong and overseas. Through collaboration with the district-level branch of the ACFTU in Shenzhen, they established a Women Workers Services Centre in 1996, which is generally considered the first labour NGO in the PRD.

In August 1998, a security guard from Sichuan set up an organization in Guangzhou, the capital city of the Guangdong province: Migrant Workers Word-Processing Service Department (hereafter MWSD). Originally, the MWSD mainly provided legal advisory services to migrant workers and helped the injured workers to litigate their claims. In 1999, Zeng Fei-yang, a university graduate and activist, took over the MWSD. With the help of HKCIC, the organization began to receive financial support from foreign foundations and transformed into a non-profit NGO which provides free services to workers (*The Beijing News*, 2008).

It is estimated that in the whole PRD region, there are more than thirty labour NGOs that provide free services to workers (He and Huang, 2008; *The Beijing News*, 2008). Unlike CWWN and MWSD, the other labour NGOs in this region were established after 2000, following the Hong Kong NGOs' involvement in CSR programmes. The influence of Western-based CSR in China started in the mid-1990s and entered a new stage in the early 2000s. Several labour NGOs in Hong Kong, including the HKCIC and Asia Monitor Resource Centre (AMRC), were invited to participate in workplace training programmes. This was the first time that Hong Kong's NGOs officially conducted in-factory labour education in the Mainland. The other two Hong Kong-connected NGOs in the PRD, *Dagongzhe* (Migrant Worker) Centre (*Dagongzhe*) and Little Grass (formerly known as 'Workers' Bookstore'), were formed in this context.

Legal status and relations with local government

After 1989, the government tightened the laws for the management and registration of civil society organizations (Kang, 1999). After this date, NGOs must have a 'business supervisory unit', which can only be granted by a government agency or its authorized organizations. This allows the state to monitor all registered social organizations. However, it is difficult for the labour NGOs, which are run by independent individuals, to register, because it is hard for them to find a business supervisory unit. As a result, the NGO's have developed several survival strategies. The

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first model is similar to the one used by CWWN in its early stage (1996–2005)—collaboration with organizations with a clear lawful status, such as local trade unions, Communist Youth League and academic institutes. This allows the NGOs to carry out labour projects under their affiliates' names, but remain largely independent in terms of actual operations. The second model, which is very common nowadays, is to register as self-employed, as an independent enterprise or as a limited company, meaning that the organization is no different from a commercial organization in the legal sense, but it is actually a non-profit organization. The third model is to not register at all and keep a low profile (Pun, 2008).

For many organizations, the first model is the most attractive. However, to find a quasi-governmental partner is not an easy task. More importantly, such collaboration is also very unstable. When faced with external pressure, the academic or quasi-governmental organizations will quickly withdraw from the collaboration. In the second model, the person who registers the organization faces the most pressure, but negotiations with government agencies are generally possible. Many NGOs have little proactive interaction with the local government. However, government officials from community, town or district levels visit NGO centres from time to time. The staff at one of the NGOs told me that they had got used to the presence of the government and had become more skilful in coping with it. For example, every time the government officials call or visit the centre, the staff will keep a record of what was said. The government's main concerns are an organization's actual activities and its source of overseas funding. However, if the government wants to ban a particular NGO, it can argue that the NGO's activities are inconsistent with its registered purpose. Since 2005, labour NGOs have faced some new problems; quasi-governmental organizations frequently withdraw from the labour projects offered by labour NGOs due to political pressure, and some commercially registered NGOs have been banned. However, labour NGOs still exist in different forms. It is believed that the government does not want to force the NGOs to go underground where they would be even harder to regulate. Furthermore, when an NGO is banned in one area, people from the NGO can re-register their organization in another area using a different name, as in the case of *Dagongzhe* discussed below.

The two modes of operation of labour NGOs

Despite their various histories, labour NGOs in the PRD share many common characteristics. Most of them are supported by foundations in Hong Kong or abroad, and are managed by progressive intellectuals and activists. They develop service points in migrant workers' communities

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and some also intervene in the workplace by joining CSR projects. Here, I divide their approaches into two broad categories: community intervention and enterprise intervention approaches.

Community intervention methods

The community-based NGOs are highly homogeneous, but have different emphases.

Workers' services centre

Most NGOs have established workers' services centres in migrant workers' communities. A workers' service centre usually has a library that provides workers with free newspapers, magazines, movies and television programmes, and it also offers special interest classes, educational classes and recreational activities. When it comes to festivals such as New Year's Day or May Day, the centre will hold large-scale cultural activities. In addition, a variety of groups are formed based on different interests, issues or identities. For example, one organization has groups organized around gender, labour rights, injured workers, literature/art, outreach advocacy, poetry and so on.

Through the above activities, NGOs attempt to promote knowledge, awareness and action among the migrant workers. The knowledge component usually includes education on labour laws and regulations, occupational health and safety (OHS), female's physical health and workers' rights and so on. The NGOs promote workers' awareness of the general conditions of the working class and its relationship with their own working and living conditions, so that a collective identity can be built up. 'Action' is carried out through various volunteer activities, such as visits to the injured workers, outreach to other industrial zones and cultural performances.

Although different centres have different emphases, legal consultation is always an important component of an NGOs' work. This includes educating the workers on the Labour Law and other labour protection regulations, free legal hotlines, drafting legal documents, case follow-up and so on. As China's judicial system allows non-lawyer personnel to be the representative of the claimants (i.e. civic agents), some labour NGOs also provide free civic-agent services for workers. However, most NGOs do not provide such services as they do not support the NGOs' principles of 'workers' autonomy' and 'self-help and mutual help among workers'. In most cases, legal work only occurs in individual labour disputes. In recent years, however, as the workers' struggle intensifies, collective protests have become more frequent, and the number of collective legal cases has increased. Labour NGOs now often encounter this type of cases.

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Most labour NGOs handle such cases very carefully, and they usually provide legal advice only, instead of organizing the workers directly. For one thing, these cases often affect the enterprise's interests greatly. Additionally, the government is more sensitive to collective actions, so the NGOs which are involved in the cases are faced with greater pressure. This can be seen in the *Dagongzhe* case.

Subsequent to the announcement of the Labour Contract Law in 2007, many companies tried to evade their legal responsibilities to enter into permanent contracts with high seniority workers by firing them. This provoked workers to sue the companies for failing to pay them the legal overtime wages. Against this social background, *Dagongzhe* had been very active in promoting workers' entitlement to overtime premiums. Their work created huge pressure on the companies and the local government; as a result, some of the activist workers of *Dagongzhe* were thought to be blacklisted by the government.

In November 2007, Huang Qing Nan, the legally registered representative of *Dagongzhe*, was violently attacked by gangsters; it has been confirmed that they were hired by local businessmen. This aroused tremendous international and local concern. Local media criticized the trade unions as ineffective in safeguarding workers' rights. Some academics visited Huang and wrote articles to show their support. Furthermore, international trade unions and NGOs expressed concern by petitioning the ACFTU and the Chinese government. In the face of the huge support from a wide range of parties, the Shenzhen Federation of Trade Unions did offer immaterial support to Huang by visiting him in the hospital; however, it did not help him acquire the status of work injury and/or provide legal aid. In March 2008, the landlord stopped leasing the centre to *Dagongzhe.* It is suspected that this was the result of pressure from the local government. The NGO then had to be relocated to another industrial area.

Outreach

Many NGOs also use an outreach approach to increase their contact with workers. Depending on the type of workers, there is a variety of techniques for outreach work.

One NGO that I have frequently visited runs their outreach programme on labour rights every Sunday, in different industrial areas each week. This 'guerrilla' strategy is applied to avoid attracting suspicion from the corporations and the local government. My observations suggest that this programme is quite effective because its promotional material, such as exhibition boards and labour laws booklets, has a clear message on labour rights. The exhibition boards attract many workers and they address workers' major concerns: legal protection for women, legal compensation

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for work injuries, compulsory overtime, restrictions on resignation and written contracts. Each outreach session lasts for three hours. During that time, more than 1000 leaflets are distributed and more than 100 workers see the exhibition boards or seek consultations.

This centre also targets nine hospitals and visits workers suffering work injuries. At each visit, the staff and volunteers visit about twenty workers. Around 8 percent of the injured workers visited keep in touch with the centre. There is a monthly meeting for work-injured workers and an average of twelve workers attend these meetings.

Some NGOs also target female workers and visit the workers' dormitories. They even create some female workers' groups inside the dormitories to perform physical health education and to increase the workers' awareness of gender equity issues, such as sexual harassment, maternity leave and discrimination.

Social survey and policy advocacy

In the light of the changing labour regulations in the country, NGOs in recent years have begun social survey and policy advocacy. The Chinese government launched a Labour Contract Law in 2008, responding to the intensified labour conflicts. The Labor Dispute Mediation and Arbitration Law was also promulgated in that year. In 2009, consultation began for the legislation of the Social Insurance Act, which aims to integrate migrant workers into the national social security system. In this context, some labour NGOs have begun to use social surveys and policy advocacy to involve themselves in the national discussions on labour policies and on legislation. One example is the 2009 study by *Dagongzhe*, comparing the implementation of the Labour Contract Law in the PRD and the another important EPZ, the Yangtze River Delta (YRD) in 2009. These findings have been reported in the local media. Meanwhile, some organizations, such as Little Grass, have started to explore the civil rights issues of migrant workers, such as the right of abode. Some of this advocacy work is done through collaboration with pro-labour scholars to maximize its impact.

Enterprise intervention approach

While most labour NGOs focus their work on migrant workers' communities, some also involve themselves in the workplace by participating in the CSR movement. The work can be organized into three categories.

Outside-factory investigation

The first type of work can be viewed as a prelude to the CSR movement. A Hong Kong-based organization called Students and Scholars against

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Corporate Misbehavior (SACOM) has done a lot of work in this area. It is worth noting that since its establishment in 2005, SACOM's media strategy has switched from the use of Western and Hong Kong media to put pressure on international brands (such as Disney) to the recent use of the Mainland media to pressure China's or Hong Kong's big corporations directly. SACOM's model has been followed by other students' organizations from the Mainland. The Coca-Cola Concerned Group, formed in 2008, and the Disney Concerned Group, formed in 2009, are two such examples.[3] The campaign groups conduct interviews outside the factories or inside workers' dormitories to collect information about workers' wages and their living and working conditions. If they uncover serious violations of labour rights in a particular factory, they will exert pressure on the factory and its major buyers by exposing the situation to the media, forcing the factory to allow labour NGOs to carry out social audits or worker training programmes in the factory.

Campaign groups such as SACOM have been criticized as 'consumer centred' and lacking close contact with workers. One of the incidents that created difficulties for SACOM was their 2006 Disney campaign, which led to the closure of a toy factory in Shenzhen in 2007, when more than 1000 workers were laid-off. As a result, some of the campaign groups now coordinate their work with community-based NGOs to minimize the negative side effects of the campaign.

In-factory social audit

The second type of work is social audits in the factory. To increase their reliability, international brand companies or multi-stake holders' initiatives (MSIs) will invite labour NGOs to carry out the social audits. The main problem with social auditing is the possibility of management manipulation that leads to serious fraud; workers are often trained prior to the audit on how to answer the question raised by the auditors. It is relatively easy for staff of the labour NGOs to discover violations of workers' rights. However, it is very difficult for the auditor to gain the trust of the workers in such a short encounter, and workers rarely dare to raise any complaint openly. Even though the problems are identified, without the active participation of workers, it is almost impossible to ensure that a company will improve its working conditions.

In-factory training

The shortcomings of social audits have given rise to third type of intervention, in-factory training for the workers and even the management staff. The

3 Campaign groups such as SACOM do not have offices or centres in the PRD, but their surveys mainly focus on factories in the PRD, so their work is analysed here.

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training sessions include topics such as labour laws, the Code of Conduct, the International Labour Organization Conventions, OHS, gender awareness, communication skills and so on. After the training, some NGOs will set up a hotline for workers to handle complaints or enquiries about labour issues. Some projects even promote the establishment of trade unions, or non-union worker representation mechanisms. Compared with social audits, this kind of work is more likely to increase workers' participation, but it usually takes a long time to negotiate and implement. Some training programmes may take six months or a year to finish, and lots of time is wasted on negotiating the details of the project with the factories, brand companies and MSIs. Therefore, not all labour NGOs want to participate in factory training programmes. In 2006, five Hong Kong NGOs withdrew from the United Kingdom-based Ethical Trade Initiative's (ETI) Joint OHS Committee project in China and complained about its ineffectiveness.

Apart from the effectiveness of the factory-based training, sustainability is another major concern. In one of the pilot projects by Reebok beginning in 2000, Hong Kong organizations were invited to provide training for workers in two shoe factories, one in Shenzhen, followed by another in the Fujian province (A. Chan, 2009). In both factories, a democratic election was held to produce the union committee. However, the Hong Kong NGO's involvement in the training of the enterprise trade unions drew attention from both the official trade union and the management. In the Fujian case, the local ACFTU branch ruled out the participation of the Hong Kong trainers from the beginning, while in the Shenzhen factory, the project was stopped by the new factory management in 2002. Trade union committees existed in both the factories.[4] My fieldwork in 2007 encountered a strike by workers in the Shenzhen factory. Workers came to seek help from an NGO and complained that their trade union was 'pro-management'.

The ACFTU's stance made the NGOs change their strategies. They started to facilitate the establishment of workers' committees, welfare committees or OHS committees, instead of trade unions. However, attempts to organize non-union workers' committees often end in failure due to the lack of external support and the concern of local government over the role of the NGOs. In one of the cases on which I have done detailed fieldwork, the committee members were called to meet with residential community Party Committee officials and warned about their activism on the day they prepared to voice their wage demands to the brand company visitors.

4 The above information was drawn from interviews with NGO trainers and from their reports. But the case is also studied by Anita Chan (2009).

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One of the core members was forced to quit the factory, while others were promoted and kept quiet afterwards (C. Chan, 2010; forthcoming).

Opportunities and constraints

As the founders and leaders of the organizations are non-official individuals, the state denies them a proper legal status and has the power to make them illegal. This may confirm Cheng, Ngok and Zhuang's (2010) 'strong state and weak labour/civil society' thesis. So far, activists from Hong Kong and the Mainland have tackled this challenge by adopting flexible strategies. Even in the *Dagongzhe* case, after the victimization of its founder and the pressure from the community government to close down its centre, the NGO could be easily relocated to another nearby community. In his study of green activism in China, Peter Ho points out that the green NGOs' campaign strategy in China is '[S]elf-imposed censorship and de-politicized politics' to avoid direct confrontation with the authoritarian state (Ho and Edmonds, 2008). This strategy of '[S]elf-imposed censorship and de-politicized politics' is also evidenced by the labour NGO activism. So far, the NGOs' activism is well within the limit of the law, including their new strategy of policy advocacy.

In short, the development of labour NGOs in China in the past two decades suggests that some elements of civil society do exist. Despite many external and structural difficulties, labour NGOs still maintain their services to migrant workers, ranging from cultural and social activities to organizing workers to safeguard their own rights. There have been some breakthroughs and developments. The experience of the labour NGOs in the PRD has spread to the YRD region and beyond. In the Jiangsu province in the YRD, Oxfam has sponsored a number of labour NGOs such as the Home of Workers and the Home of New Citizens. Among others, Ren Jian New Workers' Centre opened in Beijing in 2008. Learning from the experience of the PRD's labour NGOs, it has developed an effective model to support migrant construction workers (C. Chan, 2009b). Cheng, Ngok and Zhuang (2010) also provide a case study of Little Chen's hotline in Shandong. Moreover, through interacting and cooperating with the academic community, the NGOs are exploring the possibilities for policy change.

However, labour NGOs in the PRD are now facing many internal pressures and difficulties.

First, some NGOs' internal governance and regulation deviate from the principles of transparency and democracy. Because of political pressure and the difficulty in getting proper registration, most labour NGOs fail to establish a membership-based organization. Some progressive workers tried to establish a membership-based organization for migrant workers,

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but it was eventually banned by the government.[5] Since the NGOs have to register as private business units, the registrants are usually members of the NGO staff. However, this person does not own the NGO. The law does not require the establishment of a management committee for this type of organization. Therefore, it is very difficult for an NGO's management system to become standardized, democratic and transparent. Some rely on NGOs based in Hong Kong, and some rely solely on individual staff members who are capable of management.

Second, many NGOs do not have stable manpower, and experienced staff members do not stay long. NGO staff usually come from two different sources: graduates from the social work department, and other experienced workers. Since the scale of the NGOs is relatively small, the internal advancement opportunities are limited. After working for several years, some NGO workers will leave the organization, making the organizational accumulation of experience very difficult. Of course, different NGOs may be differently affected by the unstable manpower. Taking CWWN and MDSW as examples, while there are many similarities in terms of labour service projects between these two NGOs, the local management of MDSW seems to be more stable than CWWN's Chinese operation. For MDSW, Zeng has served as this centre's director for a long time and there is no sign that he will leave this job. Like many other Hong Kong-based NGOs, CWWN's affiliated NGOs in China suffer from a high turn-over rate of local capable staff and have to rely on Hong Kong staff for management.

Third, since most NGOs rely on overseas foundations for funding, and these foundations tend to support the most vulnerable or exploited social groups (such as injured/occupationally diseased workers), the issues faced by ordinary workers (such as male skilled workers) are ignored. In some of the collective struggles, skilled workers, grassroots management personnel and white-collar workers also play an important role (C. Chan, 2009a; 2010), but labour NGOs seldom set up projects for them. Many active workers attached to NGOs do have strike experience, but very few of them have experience in organizing or leading a strike. It is a concern that NGO activism may have left behind the radicalization of self-organizing workplace struggles. Huang's (2006) detailed case studies show that in one of the Mainland Chinese NGOs, between 2001 and 2004, 4,490,778 out of the total 4,510,778 RMB yuan funding came from brand companies, trade unions, foundations and universities in the United States, Europe and Hong Kong. The only Mainland Chinese source of funding was just 20,000 RMB from

5 For example, *Chun Feng* Labour Disputes Service Centre in Shenzhen. The initiators of *Chen Feng* had organized a membership-based Shenzhen Migrant Workers' Association. However, it was banned by the government, while the business unit registered as *Chen Feng* is allowed to exist.

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TsingHua University. There have been rumours about corruption or misuse of funding, especially in those NGOs established in Mainland China where internal monitoring is weak. Considering the sensitivity of NGO activism in China, the overseas funders choose to keep such cases low key and not go to court even if they discover these cases.

Conclusion

This paper has outlined the political and economic context of the rise of independent labour NGOs in China, as well as their strategies of intervention for migrant workers' rights under current political constraints. It is suggested that although the power of labour NGOs is weak in China, due to the state's capacity to monitor and even criminalize their activism, they have created a space for the social actors from the global social movement to empower the vulnerable migrant workers with legal knowledge and organizing skills. This may confirm He's (1997) notion of semi-civil society. Thus, the potential of labour NGOs cannot be underestimated due to their flexibility in a changing political economy, and their high outreach in the workers' communities (Korten, 1987; Ford, 2006). It is possible that the labour NGOs in China will have a wider impact through geographic extension and engagement with a wider group of social actors.

Although labour NGOs are one of the examples of relatively autonomous civil society organization in China, they can neither be viewed as, nor replace, democratic labour organizations. They are service providers, and their internal governance and funding sources are not rooted in the working class. This has been partially reflected in the instability of their staff. Although some of the NGOs have tried to establish or democratize membership-based organizations in the workplace or community, there is little evidence for a successful and sustainable case so far. It has created a challenge for the future of labour NGOs to promote a labour movement in China.

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