

Support Changchun FAW-Volkswagen dispatch workers' struggle for equal pay for equal work

Globalization Monitor

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(Changchun FAW-VW dispatch workers' protest action in 2016.)

Background

The struggle of Changchun FAW-Volkswagen dispatch workers to defend their right to be paid equally for equal work started in November 2016. They adopted tactics, ranging from meeting with the pro-management union, holding public assemblies, processions, and protests, to urge the automotive joint venture to address the problem that dispatch workers and permanent workers are paid differently, even though they carry out the same job. However, not only was the dispute still unresolved in May 2017, three elected workers' representatives were also arrested by the police. Representatives Wang Shuai and Ai Zhenyu were later released on bail pending trial, but Fu Tianbo was still in custody in February 2018.

Changchun FAW-Volkswagen employs nearly three thousand dispatch workers, who have the same job description and perform the same work as permanent workers but are paid only half the wages and do not enjoy any of the benefits that permanent workers do. The workers made two simple demands: to be compensated for the shortfall in wages they have had to endure in the past years, and for the company to guarantee that in the future, dispatch and permanent workers will enjoy the same wages and benefits.

According to Article 63 of the Chinese *Labour Contract Law*, not only are dispatch workers entitled to equal pay for equal work as permanent workers, they can only be employed on a temporary and/or auxiliary basis. Nonetheless, most of the dispatch workers at Changchun FAW-Volkswagen have been working in the factory for more than ten years in the same positions as permanent workers, doing the

same work. The behaviour of Changchun FAW-Volkswagen was completely in violation of the Labour Contract Law.

Like many international brand companies, the German automaker Volkswagen's production model relies on global supply chains, in which offshore suppliers and factories are responsible for the bulk of the production. The offshoring and outsourcing of production allow Volkswagen to transfer costs and the responsibility to abide by internationally-recognised labour standards to suppliers and factories in other countries, who, in turn, cut costs by employing dispatch workers. These dispatch workers are severely exploited as they are either not told or forced to accept that they will be paid less, work longer hours, and enjoy fewer benefits. This unreasonable and illegal classification of workers intensifies the competition and distrust between workers, and ends up benefitting only the brand companies, suppliers and manufacturers.

Support from afar 1 – German workers support Changchun FAW-Volkswagen workers' struggle to defend their rights

Workers in Germany understand well the problems facing Chinese workers, as they, too, are victims of globalised supply chains and outsourcing. When they learned about Changchun FAW-Volkswagen workers' struggle from organisations in Hong Kong, many of them organised solidarity actions to support Chinese dispatch workers' rightful fight to be treated fairly. These actions included:

1. An open letter co-drafted by the works council of a Mercedes-Benz plant in Bremen and 25 representatives of IG Metall, the dominant metalworkers' union in Germany, in solidarity with Changchun FAW-Volkswagen dispatch workers:

Solidaritätserklärung gegen Leiharbeit in China und überall in der Welt **反对中国和全世界劳务派遣制度的团结宣言**



Liebe Kolleginnen und Kollegen im Changchuner FAW Volkswagen Werk.

亲爱的在长春一汽大众的工友们：

Wir unterstützen Eure Forderung nach "gleiche Arbeit gleicher Lohn" und sind Gedanklich an eurer Seite.

我们支持你们“同工同酬”的要求，愿与你们并肩抗争。

Leiharbeit ist Zwangsarbeit, denn sie hebt die freie Wahl des Arbeitsplatzes auf.

劳务派遣是强迫劳动，因为它剥夺了人们自由选择工作的权利。

Wir Bremer Kolleginnen und Kollegen kämpfen seit Jahren gegen die schlimme Ausbeutung der Leiharbeiter bei Mercedes und in ganz Deutschland.

我们不莱梅的工友针对奔驰及整个德国对派遣工的无耻剥削进行着长久的抗争。

Über 1 Millionen Menschen sind in Leiharbeit und das bedeutet ohne Rechte und ohne Zukunftsperspektive.

超过 100 万人是派遣工，这意味着他们没有权利保障以及工作前景。

Leiharbeit bedeutet Ausbeutung und Spaltung der Arbeiterklasse.

劳务派遣制度不仅剥削工人阶级，还分裂了工人阶级。

Als Gewerkschafter müssen wir für die Einheit der Arbeiterklasse kämpfen und nicht die Leiharbeit akzeptieren.

作为工会成员，我们必须为了工人阶级的团结而奋斗，抵制劳务派遣。

Als Arbeiter im Mercedes Werk Bremen kämpfen wir genau wie ihr für bessere

Arbeitsbedingungen, für gleiche Bezahlung und gleiche Rechte für Leiharbeiter.

作为不来梅奔驰工厂的工人，我们和你们一样为改善派遣工的工作条件，实现同工同酬、平等权利而奋斗。

Aber unser Kampfziel kann nur die Abschaffung der Leiharbeit und die Festeinstellung aller Leiharbeiter sein.

但我们的奋斗目标只能是废除劳务派遣制度，给予派遣工固定职位。

Euer Kampf ist unser Kampf und wenn es schaffen diesen Kampf in den Betrieben zu organisieren,

werden wir diese verdammte Leiharbeit dorthin befördern wo sie hingehört, nämlich auf den Misthaufen der Zeitgeschichte.

你们的抗争也是我们的，当我们组织起来抗争到底，我们将会把这该死的劳务派遣制度扔到它该去的地方——历史的粪堆。

Es lebe die internationale Solidarität zwischen VW Kollegen in China und Mercedes Kollegen und allen Arbeitern der Welt.

中国大众工人、奔驰工人以及全世界工人之间的国际团结万岁！

25 IG Metall Vertrauensleute und Betriebsräte des Mercedes Werkes Bremen

不莱梅奔驰工厂职工委员会及 25 名五金工会代表



Mit solidarischen Grüßen

Gerwin Goldstein

Betriebsrat Mercedes Werk Bremen

致以团结的问候，杰温·戈尔茨坦，

不莱梅奔驰工厂职工委员会

2. A solidarity statement from Leihkeule, a magazine founded by dispatch workers in Germany:



Solidaritätserklärung der Zeitung "Leihkeule"

德国报社 Leihkeule 的团结声明

Die Leiharbeit ist weltweit in Problem.

劳务派遣制度是一个世界性问题。

Sie spaltet überall Belegschaften und sorgt für höhere Profite der Unternehmen auf Kosten der Arbeiter.

它导致广大职工分裂，仅仅为了节省人力成本以攫取高额利润。

Wir sind von der „Leihkeule“, einer Zeitung in Deutschland, gemacht von Leiharbeitern für Leiharbeiter.

我们是“Leihkeule”，一份由派遣工创办，为派遣工发声的德国报纸。

Unsere Zeitung erreicht Kollegen im ganzen Land als Informationsblatt auf Papier und sie ist im Internet zu lesen.

我们的报纸通过小册子和互联网向全德国的工友们传达信息。

Wir verfolgen in Deutschland, wie die Leiharbeiter bei Volkswagen in Changchun behandelt werden.

我们在德国密切关注长春一汽大众派遣工们所遭受的一切。

Wir beglückwünschen unsere Leiharbeiter Kollegen für ihren Kampf um ihre Rechte, die ihr Arbeitgeber ihnen vorenthalten hat.

我们衷心为被雇主扣押的派遣工工友们喝彩，因为他们为争取平等权利进行着抗争。

Volkswagen machte im ersten Quartal dieses Jahres einen Profit von 33,5 Milliarden Renminbi Yuan (CNY) und will seine Gewinne noch weiter steigern.

今年第一季度大众集团已获利润 33.5 百万人民币，之后的利润还会攀升。

Diese Gewinne wurden auf Kosten der Arbeiter gemacht.

这些利润就是节约人力成本所攫取的。

Den Arbeitern stehen bessere Arbeitsbedingungen zu.

工人们应该得到更好的待遇。

Sie haben das Recht dafür zu kämpfen und sie haben unsere Solidarität.

他们为了权利而抗争，我们与他们团结在一起。

Wir fordern die sofortige Freilassung der Streikaktivisten!

我们强烈要求立即释放罢工工人！

3. A Solidarity statement from IG Leiharbeiter (Interest Community of Temporary Workers):



IG Leiharbeit | Friedhofstr. 4 | D-65375 Oestrich-Winkel

To the workers of
FAW-Volkswagen Changchung

IG Leiharbeit
c/o A. Schalber
Friedhofstr. 4
D-65375 Oestrich-Winkel

Tel.: 0174 / 8873324

igleiharbeit@gmx.de

Betreff
International Solidarity

Ihr Zeichen

Datum
26.06.2017

Solidaritätserklärung der Interessengemeinschaft der Leiharbeiter IGL

派遣工联合会的团结宣言

Die Interessengemeinschaft der Leiharbeiter erklärt sich solidarisch mit den inhaftierten Leiharbeitern des VW-Werks Changchun!

派遣工联合会声援被关押的长春大众厂的派遣工们！

Wir verurteilen die Praxis der Verfolgung von Arbeiteraktivisten auf schärfste und fordern den VW-Konzern dazu auf, die sofortige Freilassung zu veranlassen und die Rechte der Leiharbeiter in Changchun zu respektieren und das chinesische Arbeitsrecht einzuhalten.

我们最强烈地谴责对于工人活动分子的迫害，同时要求大众集团立即释放被囚人员，尊重长春厂派遣工的权利，严格遵守中国劳动法。

Die Forderung nach Equal Pay ist die Forderung nach der Umsetzung des chinesischen Arbeitsrechts!

对同工同酬的要求是依照中国劳动法提出的合法要求！

Die Forderung nach Gleichberechtigung ist kein Verbrechen!

争取平等权利的要求不是罪！

Mit solidarischen Grüßen

Alexander Schalber
IG Leiharbeit e.V.

致以团结的问候，

亚历山大·施尔伯，派遣工联合会

Apart from publishing statements, German workers also participated in the protests against the G20 summit held in Hamburg in July 2017, unfurling banners that supported Changchun FAW-Volkswagen dispatch workers' demands to be paid equally for equal work and called for the release of dispatch worker representative Fu Tianbo.





(German workers held a banner in Chinese and German supporting Changchun FAW-Volkswagen dispatch workers' demands to be paid equally for equal work in 7th July 2017.)

Support from afar 2 – Hong Kong labour groups support Changchun FAW-Volkswagen workers' struggle to defend their rights

On 10th November 2017, Globalization Monitor and several local unions and labour groups staged a protest at the Volkswagen showroom in Hong Kong to support the Changchun FAW-Volkswagen workers, urging the Volkswagen head office to take the responsibility to resolve the dispute. We had three main demands:

1. Changchun FAW-Volkswagen must compensate their dispatch workers the shortfall in wages they have had to endure in the past years.
2. Changchun FAW-Volkswagen must guarantee that in the future, dispatch and permanent workers will enjoy the same wages and benefits.
3. Worker representative Fu Tianbo be immediately released by the authorities.



(Hong Kong labour groups staged a protest action outside Volkswagen Hong Kong's showroom on 10th November 2017.)



(The protesters moved into the Volkswagen showroom and submitted the protest letter.)

Concessions won from the first wave of actions

On 17th November 2017, seven days after the solidarity actions in Hong Kong and – coincidentally – one year on from when the dispute first started, more than two thousand dispatch workers “transitioned” into permanent positions. For the workers, this alone did not serve justice; this is because the new contract signed between Changchun FAW-Volkswagen and former dispatch workers did not recognise their past years of service. These newly “transitioned” workers must accumulate years of service starting from zero again, which means they will not receive the pension and/or severance payment they would otherwise be entitled to when they leave the company. This is nevertheless a small win for the workers, however with regards to freedom of association, there is still a long fight ahead. Fu Tianbo has still not been released after more than a year in custody.

A new wave of actions by the Changchun FAW-Volkswagen workers

On the morning of 14th September 2018, the news went viral that several groups of dispatch workers, who had participated in the previous actions, were petitioning for the local court to intervene in the dispute. Amongst the protesters were current and former rank-and-file workers and their families, who demanded that the court file a case against the company in order to secure their livelihoods and defend their right to equal pay for equal work. At the same time, some former dispatch workers held a protest in front of the Changchun FAW-Volkswagen factory. It seemed clear that the transition from dispatch to permanent status failed to truly deliver equal pay for equal work:

“Even though the former dispatch workers are now given permanent status, the company never admitted the fact that they have been paid less for doing the same work in the past and it remains unwilling to compensate the workers for the shortfall. The new agreement they signed includes a clause that says, “both parties agree that there are no controversies and/or disputes between themselves.”

Complaints fell on deaf ears

A netizen points out that, “some of FAW-Volkswagen’s former outsourced workers (they are described as outsourced but really they are dispatch workers) are still not entitled to equal pay for equal work after the ‘transition’. The former dispatch workers complained to the Changchun Intermediate Court, but the court said they could only urge the company to improve their practices but have no power to regulate them.”

“The Monitoring Committee of the City of Changchun told us that ‘we will urge them to address the issues, but we are not setting ourselves a time limit for any investigation.’ Both the Jilin Province Petition Office and Political and Legal Affairs Commission said ‘it isn’t up to us to decide’. That’s all the responses we got for today.”



(Around 20 dispatch workers chanted “Changchun FAW-Volkswagen, give us back our hard-earned money!” outside the company’s factory on 14th September 2018.)



(Changchun FAW-Volkswagen dispatch workers petitioning outside the governmental offices on 14th September 2018. “We appeal for the government to deliver justice for dispatch workers!” and “FAW-Volkswagen pays us less for the same work, the courts refuse to intervene; give us back our hard-earned money!” are printed on the front and back of their t-shirts.)



(A group of dispatch workers organised a petition on 14th September 2018 near the Changchun FAW-Volkswagen plant.)

Worker representative Fu Tianbo finally released

When we were finalising this report in February 2019, Fu Tianbo suddenly posted on his Weibo account about his release: “convicted and exempted from punishment. I come back still a young man. The struggle has only just started.” (Posted at 11.59 on 21st February 2019, place: Changchun Intermediate People’s Court). He also posted information regarding his employment relationship with Changchun FAW-Volkswagen while replying to a friend on Weibo: “The labour contract has been terminated. Now (I am) initiating civil proceedings against them.”



(Fu Tianbo’s Weibo post.)

[长安网首页](#)：回来就好，辛苦了！始终感恩于你！有啥困难和大家说！

2月21日 12:09

[维权符天博](#)：再难的困难都能克服 😊

2月21日 15:41

[隔壁车间王主任](#)：欢迎回来！ 👍 👍

2月21日 16:58

[维权符天博](#)：好久不见 😊

2月21日 17:20

[维权符天博](#)：回复@隔壁车间王主任:暂时不需要，谢谢您。

2月21日 18:40

[共6条回复](#)

[虚伪的人们虚伪的世界](#) 🐼：回大众上班吗？

2月21日 15:01

[维权符天博](#)：解除劳动合同了，正在进行民事起诉。

2月21日 15:41

[Guineapig 徐凯](#)：🙏🙏🙏🙏🙏🙏

2月21日 18:28

[长春超仔](#)：👍

2月21日 15:18

[CarEngineer](#)：Germany is watching 🇩🇪🇩🇪🇩🇪

(Fu Tianbo's friends posted greetings to his Weibo account after learning Fu was released.)

Fu Tianbo's Weibo bio shows that he is just a thirty-year-old "ordinary rights-defending worker".

- 出生：1988年11月15日
- 简介：一名普通的维权工人
- 粉丝：678人
- 关注：127人



From when he was first arrested in May 2017 along with two other representatives until on February 21st, 2019, Fu Tianbo was held in custody for one year and nine months. In the end the reason for his release was ‘convicted and exempted from punishment’. But for what crime? Why was he ‘exempted from punishment’ if he was indeed convicted of a crime? What crime Fu was committed that isn’t punishable? Since we have no access to Fu’s verdict, there is still no answer for these questions.

According to Article 37 of the Criminal Law of the People’s Republic of China (1997 revised version), “Where the circumstances of a person’s crime are minor and do not require sentencing for punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology or make compensation for losses, or be subjected to administrative sanctions by the competent department.”¹

A friend who works on legal aid recalled, “when I studied criminal law twenty years ago, I had never heard of the phrase ‘convicted and exempted from punishment’. The term we learned was ‘exemption from criminal sanctions’, which is similar to this phrase [that Fu Tianbo used].”

“Convicted and exempted from punishment, as the phrase implies, means that you are convicted by the law and considered guilty, but you are not held to be criminally liable. This means you would be

¹ http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004680.htm

exempted from criminal detention and imprisonment, for example. However, even when no actual criminal sanctions are imposed, the conviction can still have a huge effect on the person, because they will still be considered a criminal, someone who has committed a crime, in the eyes of the law. The crime will be recorded in his file and it could be an obstacle for finding a job and leaving the country in the future.”

We believe that there was actually no grounds to sentence Fu Tianbo because he was demanding – along with other dispatch workers – to be paid equally for the same work as permanent workers, a demand that was met in November 2017 when Changchun FAW-Volkswagen started to employ more than 2000 dispatch workers on “permanent” status. This demonstrates that the workers’ demands were rightful; and that the arrests of the worker representatives were not. We have reason to suspect that Fu Tianbo was ‘convicted and exempted from punishment’ only to give the authorities a more graceful climb-down.

Conclusion

Fu Tianbo’s release was better late than never and is a source of comfort for solidarity groups from outside of mainland China like ours. Nonetheless, the new wave of actions by dispatch workers to defend their rights starting from September 2018 shows that their “transition to permanent status” has not been a satisfactory solution to the problem. Many workers still think that they are not paid properly and reasonably, especially those who have been working there for many years. They believe they should be compensated for the shortfall in wages they have had to endure in the past years, while the group of workers who were laid off due to the “transition” are now facing difficulties in making ends meet. We can expect the Changchun FAW-Volkswagen dispatch workers’ struggle to defend their rights will continue until there is a more reasonable solution.