Fighting for Migrant Labor Rights in the World’s Factory: legitimacy, resource constraints and strategies of grassroots migrant labor NGOs in South China

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China’s dizzying economic achievement is not mirrored in its labor rights protection record. Migrant workers in particular do not enjoy rights commensurate with their contribution to the economy. The pervasive infringement of labor rights and the failure of the official protective system have jointly created a niche for nongovernmental organizations (NGOs). This article investigates the grassroots migrant labor NGOs in the Pearl River Delta region, an area which has seen unprecedented increases in labor disputes both in terms of quantity and intensity. Making extensive use of in-depth interviews and participatory observations, it examines the strategies and tactics NGOs use for survival and growth in a hostile external environment. This article reveals that administrative illegitimacy and resource shortage have been the two key challenges for grassroots NGOs; in order to survive, they have developed a series of strategies to enhance legitimacy and explore resources. In the meantime, however, antagonistic thinking still drives the government’s response to grassroots organizations unless the latter can skillfully balance political ideology and actual operation. Yet, overall, most NGOs still managed to survive despite various difficulties. Reciprocity and mutual trust are of critical importance to peaceful coexistence, if not cooperation, between the state and the grassroots. The building of long-term healthy labor relations in China necessitates more liberal thinking and collaborative governance.

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Introduction

China’s dizzying economic achievement is not mirrored in its labor rights protection record. As a matter of fact, the double-digit GDP growth rate in the past three decades has been associated with a pervasive infringement of labor rights. Tens of millions of migrant workers, China’s major labor force, have been particularly vulnerable to all sorts of violations of their basic rights.\(^1\) Owing to poor enforcement of the Labor Law and related labor standards, the formal institutional structure and the state apparatus have largely failed to protect the labor rights of migrants, thus triggering social unrest. A great proportion of collective incidents in recent years have resulted from labor conflicts.

Often described as the world’s factory, the Pearl River Delta region in south Guangdong Province is famous both for its economic prosperity and numerous sweatshops. The past decade has seen the emergence and vibrant growth of grassroots NGOs dedicated to labor rights protection in this region in response to the defective labor union system and the vast demand from the migrant population.\(^2\) However, driven by safeguarding legitimacy and social stability, the Communist Party of China (CPC) still maintains its antagonistic attitude toward the formation of grassroots organizations deemed to be a potential source of threat to its authority and legitimacy.\(^3\) Despite recent policy changes in a few localities,\(^4\) the high bar set for registering as an NGO remains unreachable for most grassroots organizations, which constantly face daunting challenges stemming from their weak legitimacy and the resultant harsh environment as well as from a lack of vital resources.

This study investigates the grassroots migrant rights nongovernmental organizations (NGOs) in the Pearl River Delta region. It analyzes the way in which small indigenous NGOs work amid rigid state controls and survive the various constraints of legitimacy, capacity and financial resources. This relates to the literature on civil society development and state–society relationship in contemporary China. Some scholars have contended that civil society as a conceptual framework has limited applicability in explaining the China story because the fundamental assumption of the state–society dichotomy is rather insignificant, if not irrelevant, to the Chinese situation, especially in recent centuries. Van Rooy, for instance, noted that civil society in its narrow Western theoretical

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4. In late 2011, Guangdong Provincal Government announced a landmark amendment to its regulations on the registration of social organizations. With effect from 1 July 2012, the old system’s registration requirement of having the prior approval of a sponsoring organization was abolished. Social organizations are now allowed to seek registration directly at local civil affairs departments. This symbolizes a significant relaxation of China’s NGO regulations despite its nature as a local initiative. For details of the new regulation, see [http://www.gd.gov.cn/wsbs/jmbs/mjzz/bszn/0200606190449.htm](http://www.gd.gov.cn/wsbs/jmbs/mjzz/bszn/0200606190449.htm).
sense is inherently about power relations between state and citizens. Alan Fowler and Larry Diamond further illuminated civil society’s fundamental role in constraining the natural tendency of the state to centralize and expand its power and to interfere in civil life. The Chinese case, however, tells a rather different story. As argued by Frederick Wakeman, although the public sphere in China has continually expanded since the last century, most Chinese citizens still conceive of social existence mainly in terms of obligation and interdependence rather than rights and responsibilities.

As an alternative way of envisioning the relationship between state and society, state corporatism sees society as subordinate and dependent on the state’s patronage. It focuses on how the state, for its own purposes, develops a special relationship with selected organizations. The Chinese party-state, according to Sophia Woodman, prefers to see social organizations as a ‘transmission belt’ for its policies rather than as autonomous social actors that can monitor the government. This corporatist structure has created a social sphere dominated by a wide spectrum of government-operated NGOs (GONGOs) which are neither truly independent nor voluntary. Not until the recent decade have people started to witness the burgeoning of grassroots organizations as a result of the diversification of social interests and the failures of old representational mechanisms. According to Wang and He, by 2004 there were some 760,000 grassroots NGOs, defined as voluntary, autonomous, not-for-profit and informal organizations, among eight million social organizations in China, and this number has been increasing rapidly. Jude Howell noted that a great number of new grassroots organizations are concerned with providing services on behalf of and/or representing the interests of groups marginalized in China’s market reforms. She coined them a ‘new stratum of associations’. More importantly, the striking upsurge of grassroots organizations represents a meaningful bottom-up structural change of the Chinese society, and it is hoped that this will generate momentum for civil society development in China.

Recent years have seen a proliferation of empirical studies examining the dynamics of grassroots organizations in China in recognition of their increasingly significant role in interest representation as well as social mobilization. Most previous studies adopted the institution-resource framework in their analyses.

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‘Institution’ refers to the notorious registration system that sets an extraordinarily high bar for registering a social organization (shehui tuanti), a synonym for NGO in the Chinese context. An organization must obtain endorsement from a ‘sponsoring organization’ (yewu zhuguan jiguan), usually a government department or a quasi-government organization (‘mass organization’), prior to seeking registration at the civil affairs departments (dengji guanl jiguan). Bearing political liability, most potential sponsoring organizations are not positive in their attitudes toward applications from the grassroots, mainly because of concerns about their ability to control them and the political risks. In reality, very few grassroots organizations are able to register as an NGO in China. This antagonistic system has forced them to either remain unregistered, which may create catastrophic trouble, or seek registration at the departments of industry and commerce as for-profit enterprises.

This weak legitimacy means that grassroots NGOs constantly face resource deficits and survival becomes difficult. Yet more and more NGOs are choosing to engage the state in smarter ways. Many effective strategies and tactics have been developed from their repeated interactions with the state that help to ameliorate the antagonistic environment and earn additional resources for survival and development. The local state, at the same time, is also adopting tacit sanctioning strategies rather than the old overt sanctioning in managing NGOs. Using the case of migrant labor rights NGOs in south Guangdong, this study adopted a longitudinal qualitative approach and made extensive use of in-depth interviews as well as participatory observations. The analyses not only reveal the strategies and tactics for survival used by grassroots organizations in the hostile party-state system but also offer fresh cases from the field important to understanding the subtle but far-reaching changes in state–society interaction in mainland China.

**Background, methodology and framework**

China’s economic miracle has mainly been built on its abundance of cheap and industrious labor, especially millions of migrant workers who left the countryside and now work primarily in the labor-intensive manufacturing and construction industries in cities. Unfortunately, the high substitutability of low-skill workers and the lack of organization have left them marginalized in the societal pyramid. While the hukou system has continued to restrict the floating population from accessing a variety of essential social welfare benefits, their rights receive even less respect in the workplace. Despite the absence of accurate data indicating the magnitude of labor

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Footnote 13 continued


14. Saich, ‘Negotiating the state’.


16. Zheng Gongcheng and colleagues estimated that as of 2007, there were 210 million migrant laborers working in urban China; see Zheng Gongcheng et al., *Chinese Migrant Workers and Social Protection [Zhonggong Nongmingong Wenti Yu Shehui Baohu]* (Beijing: People’s Press, 2007), p. 9.
disputes involving migrant workers, Figure 1, exhibiting the nationwide aggregate numbers, still offers a useful reference. However, it should be noted that the soaring number of labor disputes presented in this figure do not include those settled outside the official mechanisms (i.e. mediation, arbitration and adjudication).17

As labor unions in China have long been part of the state apparatus as a way for the CPC to exercise social control, their devotion in representing labor is ostensible. This situation is exacerbated by the ambivalence of governments in honoring the Labor Law and related standards. Liu and Guo’s empirical study found that faced with the dual pressure of attracting foreign investment and protecting labor rights, local governments are driven by both political and economic incentives to ‘conspire’ with investors—who are motivated to win the ‘race to the bottom’—and to turn a blind eye to violations of labor rights.18 The poor performance of labor unions also results in low trust from workers. Linda Wong’s survey reported that only 4.3% of the workers surveyed would resort to the labor unions for assistance when in trouble.19 Another report based on the Pearl River Delta indicated that when migrant laborers were injured in industrial accidents, only 1.4% received assistance from the labor unions, which was even less than the number who obtained assistance from government (4.5%) and bosses (23.9%).20

This study is based in the Pearl River Delta region. As the most powerful engine for China’s rapid industrialization in the past three decades, this region is home to abundant labor-intensive industries that mainly hire migrant workers. The statistics show that 31 million migrant workers now comprise the main workforce of

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Winning the reputation of being both the world’s factory and its sweatshop, the Pearl River Delta, the most prosperous part of Guangdong, has witnessed both stunning economic growth and the ruthless exploitation of migrants. The statistics suggest that one third of the labor disputes in China take place in Guangdong Province and more than 40% of the labor disputes in Guangdong take place in the city of Shenzhen.

There are several reasons for this sorry state of affairs in the Pearl River Delta region. First, overtime working is very common. An investigation conducted by the Guangdong Provincial Bureau of Labor and Social Security reported that only 30% of migrant workers in the Pearl River Delta region enjoy an eight-hour working day, while 40% work between 12 and 14 hours per day. Nearly half of migrant workers receive no holidays at all. This echoes Linda Wong’s nationwide survey, which reported that only 39.5% of migrant workers enjoyed the right of an eight-hour working day, while 44.2% worked for 9–12 hours.

Second, excessive overtime working makes work injuries very frequent. Even worse, employers tend to skip essential safety training and provide no or poor safety equipment to minimize their costs. Linda Wong’s survey indicated that 43.4% of migrant workers were not given any instructions on safety and hygiene before starting to work and 40% were not provided with protective gear. Not being covered by insurance, the severely injured are often fired by employers unlawfully, and many are unaware that this is illegal.

Third, despite the Labor Law’s mandate regarding signing employment contracts, employers still manage to circumvent this with a variety of opportunistic tricks. Although most migrant workers are now aware that they must sign employment contracts with employers to protect their basic rights, their weak negotiating power usually leaves them with no choice but to accept the terms and conditions given by the employers, even when these are clearly unfair. This is even so after the introduction of the Labor Contract Law.

Fourth, migrant workers’ long working hours and hardships are not reflected in the level of their wages. It was reported that the average wage for migrant workers in Shenzhen increased by only 12 yuan between 1991 and 2003, while civil servants saw their salaries increased five-fold during the same period. In spite of low pay, however, migrant workers often encounter wage delays and defaults, which have

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25. Ibid.
26. A more disturbing anecdote suggests that the number of migrant workers’ fingers cut off due to work injuries amounts to 40,000 per year! See http://www.nytimes.com/2008/01/05/business/worldbusiness/05sweatshop.html?pagewanted=all&_r=0.
27. Linda Wong’s survey reported rather low contract coverage (53.1% on average), with the percentage in private and individual companies being the lowest; see Wong, ‘Chinese migrant workers’, pp. 877–878.
been an important reason behind many collective actions, such as petitions and demonstrations.

The deficit of rights attainment and the defective official mechanisms created vast unmet demands for labor rights protection in the Pearl River Delta. The start of the new millennium saw the emergence of a handful of grassroots-founded, small-sized, autonomous and voluntary organizations in Guangzhou, Shenzhen, Dongguan and other cities in the region. This new family of indigenous NGOs is still expanding rapidly. This article aims to go beyond descriptive analysis and reveal the way in which grassroots NGOs interact with the state and other parties and how this interactive process shapes the environment and resource acquisition of NGOs.

This study made extensive use of in-depth interviews to collect qualitative data. A longitudinal design was adopted for the study, and three rounds of interviews were conducted in 2007, 2008 and 2012. In the second and third rounds, particular efforts were made to verify and update the information collected earlier and to gain further understanding in light of the changing sociopolitical situations. This longitudinal design has allowed the authors to capture the long-term dynamics of labor relations and NGO development. In particular, three waves of interviews well covered the time before and after 2008, the year when PRC’s first Labor Contract Law officially went into effect. This new legislation embodies substantive changes in China’s labor policy and has inevitably impacted the operation of grassroots NGOs.

Table 1 presents the details of the in-depth interviews. The authors contacted all of the grassroots migrant labor NGOs that they could possibly reach, and eight of them agreed to be interviewed. Random sampling was not ideal in this study given the high decline rate because of political sensitivity, but luckily, as readers will find in the analysis, the organizations in the sample did not present significant bias in terms of size, status, location or their relationship with government.

Aside from NGO leaders, ordinary staff were also invited for interview when possible; in total, 22 respondents, including NGO leaders, staff, government officials, labor rights activists and migrant workers, were interviewed. The in-depth interviews were mainly semi-structured; apart from standard questions asking about the history, financial sources, staffing, services and operational models of the NGOs, emphasis was mainly put on probing NGOs’ strategies and tactics in the face of a hostile external environment, weak legitimacy and lack of resources.

A special feature of the methodology is that in 2008 the first author and his associates conducted participatory observations in two NGOs in Guangzhou and

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30. Based on information collected from interviews, the authors estimate that there are approximately 50 NGOs of this type working in the Pearl River Delta region.


32. Honghuacao Labor Rights and Support Association (Organization H) was founded in 2008 and thus was not included in the first round of interviews conducted in 2007.
Shenzhen, respectively. They worked as volunteers for a month, and this enabled them to access more information and generate valuable insider views. The 40,000-word fieldwork diaries written during the participatory observations later became an important source of insights for analysis.

The analysis of this article follows a qualitative framework focused on three logically connected thematic steps. (1) How do grassroots NGOs deal with the critical illegitimacy resulting from their failure to attain legal status? (2) Given their weak legitimacy and political sensitivity, how do grassroots NGOs interact with governments? How does this interaction in turn affect NGOs’ external environment? (3) As weak legitimacy constrains NGOs’ access to resources, how do they secure resources for survival? The analysis presented below is based on both first-hand empirical investigations as well as insights gleaned from the related literature.

**Status, services and capacity**

Table 2 summarizes details of the sampled NGOs, including time of foundation and services rendered. Most of these NGOs were established after 2000, and they are mainly based in Guangzhou, Shenzhen and Dongguan. Unable to gain social organization status, all of them had to register at the local Industry and Commerce Bureaus as business entities. The core services rendered are legal assistance and counseling, training programs (mainly on occupational safety and how to adapt to urban life), serving lawsuit papers, hospital visits and entertaining activities. As most migrant workers have a low education background and a rather weak ability to address disputes via official mechanisms, the core service provided by grassroots NGOs mainly focuses on assisting migrant workers in labor disputes with employers, a service which is poorly (or virtually not) provided by labor unions and beyond workers’ ability to pay if they seek assistance from private organizations.
The NGOs in the sample mainly provide a free counseling service and organize training sessions to teach migrant workers the legal procedures of dispute resolution. When workers are unable to write related documents, complaints or petitions, most NGOs will help to make drafts on their behalf. According to China’s Procedural Law, both plaintiffs and defendants can hire lawyers or represent themselves in litigation, but hiring a lawyer would be too costly for migrants whereas self-representation is often hindered by their poor education and ability to express themselves. As an alternative, the Procedural Law allows citizen representatives (gongmin daili) who have basic legal knowledge to represent litigants. While migrant workers who intend to sue employers often request NGO staff to provide citizen representation, NGOs are usually very conservative in their response, given their small size, limited number of staff and, especially, the great amount of time and energy involved in litigation; thus, for those NGOs which do provide direct legal assistance, the amount of cases they handle is quite small because of their limited capacity.

Many grassroots NGOs go beyond legal aid and offer additional services such as paying hospital visits to those injured at work, giving emotional support and organizing seminars on healthy lifestyle, smooth adaptation to urban life, learning local dialects (Cantonese) and other topics useful to migrants. In view of the high frequency of criminal offenses committed by the floating population in Guangdong, some NGOs have recognized that dull time off has been an important factor luring young workers into illegal forms of excitement. In response, some NGOs provide small reading rooms with popular magazines, books and entertainment facilities such as karaoke and DVD players and occasionally organize excursions and picnics. These facilities are very popular among migrant workers during their time off.

Organizational capacity has been identified as a major impediment to the healthy growth of grassroots organizations. Table 3 depicts a few key characteristics of the

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Table 2. Year of foundation and services provided by NGOs in the sample

<table>
<thead>
<tr>
<th>NGO</th>
<th>Year of foundation</th>
<th>Legal assistance</th>
<th>Paper service</th>
<th>Legal consultation</th>
<th>Training</th>
<th>Hospital visit</th>
<th>Recreational activities</th>
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<td>2008</td>
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<td>Y</td>
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</table>

Notes: Y and N stand for Yes and No respectively.
Source: Authors.

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33. The statistical figures suggest that as much as 80% of crimes in the Pearl River Delta are committed by non-local persons, most of whom are migrants; see http://www.sachina.edu.cn/Htmldata/article/2005/04/126.html.
NGOs in the sample. Predominantly owing to the unconducive environment and resource shortage, these organizations are very small in size, with 5.4 regular staff on average, in stark contrast with the personnel capacity needed in light of the quantity of labor disputes in this region. This was particularly evident during the first round of interviews in late 2007, just before China’s Labor Contract Law took effect. Because the Law imposed rigid rules in protection of labor rights, most companies in the region reacted with a variety of opportunistic behaviors, proactive firing in particular, in order not to be constrained by the new rules.35 The massive staff-sacking created numerous labor disputes; all NGOs interviewed were overwhelmed and expressed that small size was the major constraint in meeting enormous demands. Yet, despite weak personnel capacity, the authors sensed in both interviews and participatory observations that the young (25–35 years old on average) and relatively highly educated staff36 made these NGOs productive and energetic organizations driven by high morale.

### Legitimacy, rightness and reciprocity

As discussed earlier, the Chinese party-state has been maintaining rather stringent control of the formation of social organizations to thwart attempts at organized opposition. Unable to obtain endorsement from sponsoring institutions, in reality, very few, if any, grassroots organizations can be granted official NGO status by the civil affairs departments. Defined in strictest legal terms, no organization in this study’s sample is a legal NGO in the Chinese context. Despite the fact that they have all registered as enterprises, this status does not give them full legitimacy to work as NGOs: for instance, running donation drives is prohibited. Their commercial status may also tarnish their altruistic image.

#### Notes


36. ‘High’ in the sense that a high school to diploma background normally grants practitioners minimum ability to work in ordinary dispute situations.
In fact, all of the NGOs in the sample had attempted to gain official registration; however, all but one had failed. Organization G is headquartered in Beijing; despite its true motivation in labor rights, this organization wisely advertised its goal as being environmental protection. This successfully disguised the political sensitivity involved, and a district committee of the Chinese Communist Youth League that appreciated its environmental goal supported Organization G to register as an NGO affiliated to the committee. However, this opportunistic tactic did not hide G’s true motivation for long. Once the League discovered Organization G’s true nature, the affiliation was immediately terminated.37 This case illustrates that government is not a monolithic institution and government agencies do have different preferences. This might offer a chance, albeit a slim one, for NGOs to break the rigid registration system by obtaining support from within the party-state. However, while some local governments or quasi-government agencies may be sympathetic to migrant laborers’ grievances and welcome certain grassroots initiatives in parallel to their own agendas, no institution would want to bear the political risks, especially in sensitive areas such as labor rights.38

Unable to obtain legitimacy from the existing institutions, grassroots NGOs have to explore alternative sources of legitimacy. As elucidated by Gao Bingzhong, the legitimacy of social organizations in the Chinese context encompasses several parallel dimensions (i.e. legal, social, political and administrative).39 Grassroots NGOs tend to state in their defense that their illegitimacy in terms of administrative procedures does not necessarily mean that their work is socially illegitimate. A prevalent way of compensating for administrative illegitimacy is to build NGOs on the basis of unassailable moral superiority. In their own words, ‘we are doing the right things’. Organization D provides a good example. Both of its leaders are among the work-injured population, each having lost an arm. While devoting themselves to helping migrants, the injured and disabled in particular, they do not take any salary even though the organization has been receiving donations.40

Similarly, Organization E also positions itself as ‘helping government to dissolve social conflicts’, a gesture that the government is happy to see, but in fact, this NGO initially tried to establish free labor unions in Shenzhen to represent migrant laborers; this attempt certainly trespassed on the government’s bottom line and there was soon a crack down on it by the Shenzhen police.41 Having realized the impossibility of forming independent labor organizations, Organization E had to accept the reality

37. Interview with Organization G.
38. Interview with Mr L, Division Chief, Municipal Bureau of Civil Affairs, Z City. In the interview, when asked about administrative guidelines with regard to the registration of labor rights NGOs, he used rather strong words to stress the stringency of the Bureau’s restrictive policy: ‘Under no circumstances would we approve such applications. There is absolutely no hope. Don’t even think about it. Anyone in our department who dares to grant approval will lose his/her hat right away’.
40. Interview with Organization D.
41. Interview with Organization E. This was a major social incident in 2006 that received wide coverage in the local media; see Shenzhen Special Economic Zone Daily, available at: http://www.szlh.gov.cn/main/xwzx/tpxw/40217.shtml.
and adopt more realistic approaches. It then defined its organizational mission specifically as being legal assistance and training. Its leader stated:

As a matter of fact, the government also wants to see migrant workers being equipped with more knowledge about the law because it realizes that if workers are able to defend their rights via lawful means, it will become very unlikely that they will resort to radical ways such as strikes, demonstrations, or blockades. So in fact, we are helping the government to maintain social stability.\textsuperscript{42}

To grassroots NGOs, ‘doing the right things’ has a two-fold meaning. First, it refers to the altruism and volunteerism that occupy the moral high ground. This echoes Xu and Ngai’s study, which illustrated that Chinese NGOs have gradually learned to explore moral superiority as a moral resource for gaining recognition from the public and the state.\textsuperscript{43} This is particularly useful in a system where grassroots organizations are desperately constrained by resource shortages. Second, ‘doing the right things’ also implies reciprocity. NGOs strive to convince governments that their work will help governments to achieve certain policy goals without eroding their authority. They portray themselves as assistants (zhushou) or bridges (qiaoliang) and emphasize that the government’s tolerance will help create a ‘win–win’ situation.

Despite the unconducive environment, Julia Bentley argued that as long as the Chinese NGOs can steer clear of actions and rhetoric that may suggest challenge to state authority, there is still considerable room to maneuver.\textsuperscript{44} Hsu and Hasmath also noted that the contemporary state–society relationship in China is much more negotiated, with the local state seeking to co-opt certain NGOs as a means of extending the institutional reach of the state within society.\textsuperscript{45} Both interviews and participatory observation of this study revealed that more and more grassroots NGOs have learned to use language symbols to reinforce their ‘political correctness’. In fact, they have become quite skillful in using politically fashionable rhetoric such as ‘building a harmonious society’ (goujian hexie shehui), ‘follow President Hu and the Party center closely’ (jingen dang zhongyang he hu zhuxi), ‘scientific outlook of development’ (kexue fazhan guan) and ‘the three representatives’ (san ge daibiao). Meanwhile, a rough review of NGOs’ written documents, including leaflets, from the past few years revealed a remarkable decline in the frequency of words like ‘universal value’ (pushi jiazhi), ‘international labor movement’ (guoji laogong yundong) and ‘labor solidarity’ (laogong tuanjie). These grassroots organizations have recognized that wording matters. They frequently use the State Council’s policy announcements and former Premier Wen Jiabao’s public speeches to justify their existence and highlight their political correctness. Gradually, they have learned not to use words that may convey dissidence or dissatisfaction but rather to align themselves, at least in words, with the government’s rhetoric in exchange for the government’s tolerance.

\textsuperscript{42} Interview with Organization E and participatory observation in 2008.
\textsuperscript{45} Hsu and Hasmath, ‘The local corporatist state and NGO relations in China’.
These strategies greatly resemble what Kevin O’Brien coined as ‘rightful resistance’ because what they demand is nothing more than the ‘scrupulous enforcement of existing commitments’, which the state cannot deny in light of its repeated calls to relieve the grievances of migrants.

**Political ideology and external environment**

Zhao Xiumin pointed out that in China, the key to the government’s tolerance toward independent NGOs lies in their self-restraint. Taking environmental NGOs as an example, Peter Ho also found that most grassroots NGOs have adopted ‘self-imposed censorship and de-politicized politics’. Governments tend to tolerate NGOs unless NGOs touch sensitive issues or confront the government’s authority. Local governments in fact often assume quite positive attitudes toward some NGOs delivering certain sorts of public services that governments do not want to provide. However, labor rights protection appears not to be on the list. The Polish story of Solidarity continues to remind the Chinese leaders of the catastrophic threat that labor movements can bring to authoritarian regimes. Although the government shares the same values as social organizations regarding the moral imperative of protecting labor rights, the concern for maintaining stability often overrides its commitment to labor. Efforts out of the government’s control are easily seen as potential threats.

Although the analysis above demonstrates that some strategies have proved effective in ameliorating the legitimacy deficit, not all NGOs have managed to do this. As a matter of fact, failures in ‘maneuvering legitimacy’ have aggravated the hardship of some NGOs. Our analysis suggests a close association between NGOs’ external environment and the political ideology they hold. In the interviews, each NGO leader was invited to assess their relationship with the government using qualitative measures. Table 4 presents both the ideology of the NGOs and their self-assessed relationship with the government. Key words or phrases that emerged during this part of the interviews are also included for reference. Clearly, NGOs with moderate and ‘constructive’ ideologies tend to receive the government’s tolerance, if not support, whereas those stressing human rights, the labor movement and confrontational ideologies face a much harsher environment.

Organization F is a good example of one extreme. Sensitive phrases such as ‘labor rights’, ‘human rights’ and ‘free labor unions’ frequently appear in its print materials and websites. It even keenly promotes well-known strikes organized by the CPC in the 1920s as ‘glorious feats’ of the working class. This undisguised metaphor has tested the limits of the government’s tolerance, and in return, although no actual collective movements have been organized by Organization F, it has still been

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49. Saich, ‘Negotiating the state’.
inspected by the local government many times. One key program that Organization F runs is called Worker Pioneer (gongren xianfeng). Its brochure states

Worker pioneers are from the working class. We have a clear understanding of ourselves and the environment around us. We stand firmly on our workers’ position and translate it into action with persistent efforts through analyzing the status quo and developing working strategies. The aim of all of this is to end our miseries.\(^{50}\)

While literally implying a confrontational labor movement, this Worker Pioneer program, in fact, merely organizes entertainment activities, which is completely irrelevant to the labor revolution. However, the government’s interpretation may be totally different. Touching upon political taboos has certainly worsened Organization F’s situation. The landlord of its workplace was forced to terminate its lease, and government departments keep a close eye on its activities. According to its leader, ‘local governments see us as a troublemaker and often accuse us of being the organizer behind some strikes, blockades, and petitions even though they have nothing to do with us’.\(^ {51}\)

In contrast, the NGOs which enjoy a better external environment are always those that actively advertise moderate ideologies with the purpose of assuring governments that they are not troublemakers. Local governments tend to tolerate their work. Among the NGOs in the sample, Organization G is the one that maintains the best relationship with local governments. Its leader remarked:

Our guiding principle is to minimize and resolve conflicts between workers and bosses instead of intensifying the confrontations. The first thing we tell migrant workers who come to us for help is to take up the weapon of the law and defend their legitimate rights.

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50. NGO brochure.
51. Interview with Organization F.
Never choose extreme ways such as strikes, demonstrations, or blockades because that will make things worse. In short, the philosophy of this NGO is ‘assisting without making trouble’ (*bangmang bu tianluan*). This explains why the government doesn’t see us as a threat.\(^{52}\)

Organization D’s story also proves that local governments tend to turn a blind eye to those NGOs which appear not to be ‘troublesome’. The core ideas that it advocates are all positive concepts such as ‘sustainable development’, ‘constructive interaction’, ‘communication’ and ‘self-adjustment’. Its co-director explained:

The moment when migrant workers visit us, we first tell them not to take any radical action. We don’t advise them to sue bosses in the first place because labor disputes are actually not difficult to resolve so long as workers have kept essential evidence such as pay slips or employment contracts. Workers can easily win their offended rights back through collective negotiation or ask us to negotiate with the boss on their behalf.\(^{53}\) We advise workers not to opt for litigation unless it becomes the last resort. So far, we haven’t encountered any government interference.\(^{54}\)

Resources and social capital

A common analytical lens often used to examine grassroots organizations is access to resources. On the basis of resource dependence theory, three assumptions are made. (1) Organizations depend on resources: grassroots ones are no exception to this rule; actually, they rely more on resources. (2) Resources ultimately originate from an organization’s environment. (3) Because an environment contains other organizations, access to resources depends on one organization’s relationship with others.\(^{55}\) This approach is particularly pertinent to this study as lack of resources has long been a major constraint on grassroots organizations in China. As GONGOs absorb massive personnel and financial resources from the state system and society, grassroots NGOs can hardly compete for resources, let alone against the antagonistic institutional environment.

Financial resources are arguably most crucial to grassroots NGOs. Unfortunately, owing to their legal status as commercial enterprises, despite voluntary work, they are not allowed to collect donations. Table 5 presents the funding sources of the NGOs in the sample. The heavy reliance on overseas donations is remarkable; here, foreign institutions encompass several types of institutions, including universities and research institutions, international organizations and embassies of Western countries.

However, despite NGOs’ heavy reliance on them, these funding sources are usually short-term project-based schemes that often entail competitive bidding and last for no more than three years (typically for one or two years); NGOs always face this uncertainty and have to worry about financial sustainability. More importantly,

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52. Interview with Organization G.
53. Even when ‘complaint laborers’ choose litigation, the evidence still suggests that they continue to prevail in the courts, winning a large majority of cases; see Fu and Choy, ‘From mediation to adjudication’, p. 21.
54. Interview with Organization D.
receiving funding from Western sources still carries political risks in China. The interviews suggested that from time to time, NGOs face questions from local governments, national security and police in particular, about their political motives. Inspections and ‘invited tea sessions’ are quite common. Financial stress has made a few NGOs reluctantly resort to charging minimal service fees from migrant clients for certain services, such as drafting papers and citizen representation, but the fees collected come nowhere near to covering the actual operational costs of NGOs. Once the financial situation has become stable, they tend to waive all fees again.

The theory of resource mobilization suggests that successful social movements are characterized by the effective acquisition and mobilization of resources, because dissent and grievances alone will not generate social changes. Therefore, in order to gain resources for survival, social organizations must engage in resource exchanges with the external environment, and these exchanges further foster the development of networks among organizations. Transmitting the flow of resources, networks are therefore of vital importance to social organizations. While recent studies have shown that Chinese grassroots organizations have become very adept in gaining precious resources from the creation of networks, our study found that similar networks are notably weak among migrant labor NGOs. This is firstly because NGOs are fully aware of the government’s fear of the emergence of trans-organizational labor networks that may escalate the labor movement. Hence, although there is a loose network among them, they vigilantly keep it inter-personal and avoid scaling

Table 5. Finance of NGOs in the sample

<table>
<thead>
<tr>
<th>NGO</th>
<th>Overseas</th>
<th>Domestic donation</th>
<th>Charges</th>
<th>Foreign sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>The Asia Foundation, Chinese Staffs &amp; Works, etc.</td>
</tr>
<tr>
<td>B</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Worker Empowerment (Hong Kong), etc.</td>
</tr>
<tr>
<td>C</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Oxfam (Hong Kong)</td>
</tr>
<tr>
<td>D</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Not applicable</td>
</tr>
<tr>
<td>E</td>
<td>Y</td>
<td>Y</td>
<td>Y → N</td>
<td>The China Labor Watch, etc.</td>
</tr>
<tr>
<td>F</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Information unavailable</td>
</tr>
<tr>
<td>G</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Evangelischer Entwicklungsdienst, etc.</td>
</tr>
<tr>
<td>H</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Notes: Y and N stand for Yes and No respectively. ‘→’ denotes change between 2007 and 2012.
Source: Authors.

56. Interviews with Organizations A, B, E and F.
59. For instance, in addition to the fact that some NGO practitioners were former colleagues, many domestic and international organizations also hold forum-like activities bringing together NGO leaders for experience sharing, capacity building and policy advocacy.
it up to the institutional level or anything that may imply labor solidarity. The interviews revealed that there are barely any resource exchanges among grassroots NGOs. The most common answers in the interviews were ‘we work on our own’ and ‘we barely have any cooperation [with similar NGOs]’. Another unspoken reason for limited cooperation is the existence of some degree of competition among them, notwithstanding the common goal. The subtle competition between NGOs particularly surfaces when they seek to extract financial resources from overseas foundations.

The reasons analyzed above largely explain the weak network and limited resource extraction capacities of NGOs. Frustrated by the dearth of substantive resources, NGOs have to explore alternative social resources. Zhao Xiumin revealed that a key strategy used by Chinese grassroots NGOs to gain social resources is to create among the public an ostensive impression of endorsement by the state. The frequently used ways of achieving this include inviting incumbent, retired or former government officials to take up honorary or advisory positions and inviting them to attend NGO activities, especially opening ceremonies. This symbolic social capital helps to assert some kind of recognition by state authorities, which in turn offsets the legitimacy deficit to some extent. This strategy also brings additional value: as Yi Yi Lu noted, Chinese NGOs are particularly vulnerable to obstructive and predatory behaviors by individual government agencies; seeking support from other departments and officials and relying on their asylum can help to address similar troubles. In China’s guanxi society, these are indeed very wise and convenient strategies; when troubles come, these ‘honorary advisors’ with administrative resources may help to shield NGOs from troubles. Organization E’s story is very telling. In 2005, Mr Zhang, its director, was invited to audit a meeting of the municipal People’s Congress, during which he seized an opportunity to have his photo taken with the then mayor Mr Li Hongzhong. The NGO later enlarged the photo and placed it in a prominent position in its office. According to Mr Zhang, this soon proved effective because when the police and national security came in for inspections, they became much ‘politer’ after seeing the photo.

In recent years, many grassroots organizations working in environmental protection, poverty alleviation, education and health have practiced similar strategies quite adeptly. Although government officials’ involvement is usually on an individual rather than an institutional basis, their rich social capital still helps the grassroots to explore social resources invaluable to their work. Unfortunately, labor rights is a risky area that few officials want to touch given that any linkage with potential collective actions would be fatal to their political careers. Moreover, as most grassroots NGO leaders are migrant workers whose social networks are considerably narrow, the ability to extract additional resources from the state is thus

60. Interviews with Organizations B, C, D, F, G and H.
61. Participatory observation in Organization F.
62. Zhao, ‘Chinese NGOs and their strategies towards the government’.
64. Interview with Organization E.
65. See Zhao, ‘Chinese NGOs and their strategies towards the government’, pp. 11–12.
66. Interview with Mr C, Deputy Division Chief, General Office, G City.
very weak. This is in stark contrast with the situation of some other emerging grassroots organizations. An interesting comparison is provided by the home-owners’ associations defending their rights against private developers and management companies in the same region (Guangdong). Some recent case studies have demonstrated their strong ability in lobbying local governments, winning media support and even participating in the legislative process. This is not surprising given that home-owners in metropolitan Guangdong are mostly the middle or higher classes whose rich social capital enables them to engage the state system in multiple ways. In a recent article, Xiuying Cheng analyzed the patterns of collective resistance of two distinct groups of workers in Wuhan—state workers and temporary workers—and demonstrated the notably different results. Her analysis suggests the value of social capital in helping state workers obtain some sort of symbolic reward.

Migrant labor NGOs, however, hardly have the luxury of winning much social capital. While most NGOs do invite public figures to sit on their advisory boards or boards of directors, they can hardly attract the political elites for the reason analyzed above. Instead, they have managed to invite some business elites (‘conscientious bosses’ in their words) and public intellectuals (university professors, journalists, lawyers and opinion leaders). The social capitals offered by intellectuals have been quite helpful in creating a supportive media environment, and indeed, media coverage on migrant NGOs has been very positive in the past decade. In a few cases, media pressure has even pushed local governments to adopt accommodative attitudes toward the NGOs and the workers they represent. Nevertheless, compared to the substantive value that the endorsement of political elites could offer, this support is still rather symbolic and ad hoc. Yet, the participation of business and intellectual elites still injects additional resources on the one hand and enhances the credibility and public image of NGOs on the other.

**Building mutual trust with government**

As Anthony Spires stressed, the tension between the government and grassroots organizations in China is deeply rooted in mutual mistrust. The major concern of the government is the uncertainties associated with grassroots organizations, particularly the fear of collective opposition. The interviewed NGOs have tried a variety of ways to improve the external environment, especially their relationship with the government. A common way to reduce mistrust is to engage. Organization

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69. Taking Chinese environmental NGOs as a case, Guobin Yang’s study found a close interaction between small issue-based NGOs and the media and concluded that the ability to win positive publicity is crucial to their success; see Guobin Yang, ‘Brokering environment and health in China: issue entrepreneurs of the public sphere’, *Journal of Contemporary China* 19(63), (2010), pp. 101–118.
G, for instance, pays regular visits to the Labor Bureau and Justice Bureau, offering volunteer assistance. The government’s caution was soon eased after several contacts. Now, the bureaus often leave educational leaflets and other materials with Organization G and allow it to distribute these materials among the migrant population. Indeed, this basic mode of cooperation not only reduced the government’s suspicion of Organization G but also substantially improved the harsh environment in which the latter operated. In 2007, it was even awarded 5,000 yuan by the mayor for its voluntary work.\(^{72}\) Similarly, Organization A also actively engaged government departments, labor unions, women’s federations and youth leagues to earn trust. Although none endorsed its registration as a social organization, the accumulated trust still helped both the NGO and the quasi-government agencies to build a constructive and cooperative relationship.\(^{73}\) Now, from time to time, both sides co-organize activities, and this further enhances the NGO’s legitimacy and enables it to access more resources.

The threat of uncertainties also stems from the lack of transparency that is the key to fostering effective cross-sector collaboration.\(^{74}\) The interviews suggested that improving the transparency of NGOs’ work helps a great deal in earning the government’s trust. NGOs that have encountered less trouble repeatedly stressed the critical importance of candid communication. In the words of Mr Zhu, the leader of Organization D, his NGO is a fully transparent ‘glasshouse’. His organization regularly submits monthly or quarterly work reports to the local Labor Bureau and Social Security Station: ‘We don’t care if they read it or not, but we keep on reporting our work’. In return, its applications to organize public activities are usually approved very quickly.\(^{75}\) Organization G also follows the same practice and periodically reports activities and work plans to the local labor union, asking for ‘guidance’; this also helps to nurture mutual trust.\(^{76}\)

Thus far, the analyses seem to suggest that NGOs adopt self-imposed restrictions and try a variety of tactics to win the state’s tolerance and earn resources and that these strategies have been fairly effective. However, one should not neglect the other side of the story. The government’s desire to maintain rigid control has not been matched by its administrative capacity. Previous studies have demonstrated that the declining state capacity has forced the state to take a more realistic approach to managing the society.\(^{77}\) The multiplication of social interests and the dramatic expansion of social space have made it impossible to control every corner of society, not to mention the disappointing performance of the state in protecting labor rights. Governments have also realized the need for a more diligent intermediary other than the labor union to act as a cushion and help prevent radical resistance. While official registration continues to appear non-negotiable, local governments tend to turn a blind eye provided that NGOs work within the boundaries.

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72. Interview with Organization G.
73. Interview with Organization A.
75. Interview with Organization D.
76. Interview with Organization G.
Development in the new era

As mentioned earlier, the Labor Contract Law that came into effect from January 2008 has brought about a series of significant changes in China’s labor relations. First, the Law stipulates that firms must give workers employment contracts in written form ‘on the date the worker is recruited’ or ‘within one month after the date the worker starts working for the firm’. Failing to do so will lead to penalties. Second, employees who have been working for ten consecutive years are entitled to open-ended contracts that protect them from being dismissed without cause. Third, among others, most pertinent to this study is the stipulation that workers can engage in collective negotiation with respect to wages, working conditions and other entitlements with employers via labor unions. Signifying the transformation from individual labor relations to collective labor relations, this Law is a major empowerment to China’s labor unions which have been widely seen as insincere and incompetent representatives of the working class. Under the Law, only labor unions of various levels are authorized to lead or instruct workers to negotiate with employers.78

Since the introduction of the Labor Contract Law, with a remarkable increase in union enrollment rate, labor unions have started to play a more active role. Recent empirical studies in the Pearl River Delta region have found positive effects in migrant laborers’ access to written contracts, social insurance coverage and improved working conditions.79 On the other hand, this has essentially crowded grassroots NGOs out to some extent because they are not allowed to take part in collective negotiations. Having recognized this critical implication for their long-term development, NGOs now understand that there is no way for them to ‘compete’ with official labor unions. Thus, they further articulated the supplementary nature of their work and seek to work more constructively with the unions. Interviews in 2013 suggest that in recent years, they have been mainly focusing on training migrant workers to better participate in collective negotiations and defend interests within the labor union system, while continuing to provide legal aid to individual cases.80

Notwithstanding the empowerment of labor unions, their bureaucratic nature has been a source of implementation gaps in reality; inaction, arrogance and hesitation are still common in collective negotiations. When labor unions do not perform to the expectations of migrant workers, many workers still resort to the grassroots NGOs for assistance. However, they certainly understand that they are not qualified to participate in collective negotiations as a third party, and hence always vigilantly stay away from direct intervention which may create trouble. In a few successful cases of collective negotiations without labor unions, the NGOs contributed a great deal by providing useful advice to the workers.81 This recent development since 2008

78. Kai and Brown, ‘From individual to collective labor relations’.
80. Interviews with Organizations A and E.
81. Interviews with Organizations A and E.
suggests the NGOs’ continuous search for niche and adaptation efforts in an attempt to realize the organizational mission on the one hand and stay within the state’s tolerance on the other.

Summary and implications
Using the case of migrant labor rights NGOs in the Pearl River Delta region, this article sheds fresh light on the multi-facetedness of state–grassroots interactions in contemporary China. The complex interactive process revealed is reflective of the subtle but important changes in the relationship between state and NGOs. While the official policies are still oppressive toward grassroots organizations, especially those working in sensitive areas, declining capacity has been hampering the government from stifling every corner of society. NGOs, on the other hand, do not passively beg the state’s mercy but actively engage with it. They highlight the correctness of their cause and make use of moral superiority to compensate for the legitimacy deficit and earn social recognition. Having neither the intention nor the capacity to challenge the state’s rule, they portray themselves as playing a complementary role in order to realize the government’s commitments to migrants, a position that the government can hardly deny. To win tolerance, they have learned to avoid confrontational sentiments and to actively advertise constructive, submissive and peaceful ideologies; failing to do so may lead to suppression.

Grassroots NGOs have tried a multitude of ways to secure both human and financial resources, but the hostile environment has greatly constrained their efforts. Their heavy reliance on foreign financial resources can be clearly seen, but unpredictability and political sensitivity create considerable threats to sustainable funding. While most NGOs have established overseas networks, mainly for financing purposes, networking efforts at the domestic level remain rather weak, largely because of the government’s fear of large-scale labor solidarity movements and the NGOs’ self-imposed restrictions in exchange for tolerance. A certain degree of subtle competition among NGOs also prevents the formation of networks essential for resource exploration. Their limited ability to extract resources has pushed NGOs to acquire social capital. Forming advisory boards, inviting social elites and influencing the media have been popular strategies.

Overall, based on minimum mutual trust, there has been a peaceful coexistence between the government and most grassroots NGOs that pose no threat. We argue that this has constituted an unspoken agreement between state and NGOs in which the former tolerates the latter’s existence whereas the latter accept the former’s tutelage and promise to work within the allowed boundaries. This article has suggested that weakening government capacity and thriving social organizations have released a considerable piece of social space for grassroots initiatives not only to exist but also to undertake meaningful voluntary work. But, as illustrated above, the successful operation of grassroots NGOs is still largely contingent upon the aforementioned unspoken agreement.

This mode of relationship, while less harsh than otherwise, is far from being adequate to redress the widespread labor disputes in South China. Frustrated by the vested interests and its limited capacity, the government’s top-down campaigns have
proved ineffective and thus must be matched with *bona fide* bottom-down initiatives. While recent years have seen a stronger role for the labor union system, its negative institutional legacies and bureaucratic nature, among various other constraints, have not transformed it into a faithful and competent agent. The government should realize that given the public’s great mistrust of the official labor union system, a supplementary, if not competing, mechanism for representation must be devised if the strategic goals of sustainable labor relations and long-term social stability are to be attained. In light of the rising complexity of labor conflicts and the remarkable limitation of the unilateral paradigm, cross-sectoral collaboration bringing together the government, private and third sectors is certainly a promising way to go. Relaxing the regulation for NGO registration in Guangdong (as mentioned in an earlier footnote) possibly signals a paradigmatic shift in the CPC’s thinking on social control. Guangdong could once again in history become an ideal lab for policy experiments that empower credible social actors and unleash the potential of collaborative governance in labor relations.