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S. Elizabeth Rowland

The Long March: Reebok's Role in Advancing Labor Rights in China

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Comments on this draft may be addressed to the author, S. Elizabeth Rowland:
s.elizabeth.rowland@gmail.com.

In 2001, Reebok became the first known multinational corporation to facilitate trade union elections in a Chinese supplier factory (O'Rourke and Brown, 2003, p. 382). Following initial success, Reebok decided to expand the experiment to four other factories as well (Chan, Oct 2007, p. 3). After being formally announced a couple of years after the first election, the project sparked much enthusiasm as well as controversy among labor activists and experts around the world. Ultimately, however, the elections and other Reebok worker representative experiments such as worker health and safety committees failed to achieve their purported goals of increasing worker representation and sustainable code compliance in Reebok's Chinese supplier factories (Reebok, p. 52). Several factors contributed to this failure, including government and factory management resistance to Reebok's plans; inherent tensions that exist between profit-driven corporate structures and expensive human and labor rights measures; the takeover of Reebok by Adidas in 2005; and others.

Nevertheless, Reebok's labor initiatives represent a step in the right direction in China's long march towards improved labor rights and working conditions. Since the first Reebok-facilitated election, the Chinese government, official state trade union, and the Chinese workers have undergone profound changes partially reflecting the positive influence of Reebok's efforts. Reebok's worker representation initiatives may not have achieved short-term success, but they set an example and helped to blaze the path enabling other stakeholders to join in the long march so that as a global community we can better work together to improve long-run human and labor rights in Chinese factories.

THE BUILDUP TO THE LONG MARCH

The idea for trade union elections in Reebok's Chinese supplier factories sprouted from a broader program of corporate social responsibility (CSR) and support for human rights at Reebok that began in the 1980's. In 1986 Reebok spoke out against Apartheid in South Africa; in 1988 they were a major sponsor of Amnesty International's concert tour "Human Rights Now!" marking the anniversary of the UN Declaration of Human Rights; after the concert tour Reebok established the Reebok Human Rights Award to honor and support young human rights defenders; and in 1992 Reebok formulated the first human rights code of conduct in their industry entitled Human Rights Production Standards. (Van Tulder, p. 270; Yu, 2007, p. 515; Reebok, p. 2)

In the 1990's pressure on Reebok and other clothing and sportswear companies to improve their human and labor rights records rose as student groups and anti-sweatshop activist organizations across the United States organized boycotts of Nike, Adidas, Reebok, and other companies. The anti-sweatshop movement targeted major brands that sourced from third world countries in an effort to highlight the terrible working conditions the brands' products were made under and to embarrass the companies into improving their sourcing and labor practices. At the time (and in many cases still today) supplier factories for these brands, including Reebok, employed repressive labor strategies, forced excessive overtime hours, verbally abused and humiliated workers, underpaid workers or paid them late, maintained hazardous and poisonous working conditions, meted out arbitrary punishments and fines, restricted time off and resignations, failed

to provide proper safety equipment, and committed many other serious labor rights violations (Merk, p. 19-20; Yu, 2007, p 517-518).

In reaction to this organized pressure, Reebok ratcheted up their labor rights enforcement programs, creating a multifaceted approach to improve labor standards in their supplier factories. The Reebok Human Rights Tracking System was created so that different departments within Reebok could have access to information on the compliance status of Reebok supplier factories around the world. (Reebok, p. 13) They also designed the S-Process (short for Sustainability Process) and Compliance Performance Resolutions (CPRs) to institutionalize consideration and achievement of labor rights into Reebok's production model (Reebok, p. 32-33).

In China, this program exhibited itself slightly differently in Reebok's various supplier factories. In 1997 at the Shunda (earlier called Fuh Luh) factory of Fuzhou, Fujian Province, Reebok first hired a part-time local staff to monitor code implementation. Some of the first steps taken were to ban child labor, shorten the regular work week to 60 hours, serve better food in the factory cafeteria, improve worker dorm conditions, and supply emergency exits, fire extinguishers, and protection equipment. These demands were not always met, however, particularly those such as the length of the work week which would impose substantial extra costs on the factory (Yu, 2007, p. 519; Chan, 2009, p. 6). Reebok also hired outside monitors and auditors to spot check Shunda and other factories; however, factory managers quickly figured out ways to deceive or co-opt the monitors (Chan, 2009, p. 2). Factory accounting departments established entire sub-departments devoted to the creation of false piece-rate tallies, hours worked, and wage records in order to conceal overtime and minimum wage violations (Economist Intelligence Unit, 2005; Gilley, 2001). Factory managers likewise have become adept at putting on shows for inspectors, particularly by coaching workers on what to say in audit interviews (Chan, 2005, p. 12; Gilley, 2001) Even worse, monitors themselves have often proved less than diligent at uncovering violations, as they want to please the company that hired them with good reports (Chan, 2009, p. 2).

In addition to hiring monitors and auditors, Reebok initially set up worker complaint mechanisms in the Shunda factory as well as the Kong Tai Shoes (KTS) factory in Shenzhen, Guangdong Province. The complaint mechanisms included stamped envelopes distributed to workers so that they could confidentially report compliance problems directly to Reebok as well as complaint boxes located in the factories where workers could anonymously deposit complaint cards. The first year workers in KTS filed 1,200 complaints, embarrassing the management and initially causing them to look more seriously at resolving problems in the factory (Chan, 2009, p 6). Shunda did not respond as readily to the complaint mechanisms. Workers were initially enthusiastic and registered many complaints, but their enthusiasm was soon dampened by heavy management retribution against complainants and lack of effective transparent settlement mechanisms (Yu, 2008, p. 241).

In 1999 at KTS, Reebok also set up a "Livelihood Counseling Center" staffed by a social worker from Hong Kong who visited the workers in their dorms each night to discuss and help them deal with their problems. The Counseling Center proved quite helpful in increasing workers' knowledge about human rights and labor rights, cultivating a culture of awareness (Chan, 2009, p. 6). Reebok did not push for a Counseling Center at Shunda seeing as it was located quite far

from Hong Kong where the social workers were based. They did, however, open an “Environmental Office” staffed with a person who would mediate complaints and quarrels (Chan, 2009, p. 6).

The factories did make early progress in response to Reebok’s initiatives, particularly KTS. In both factories it became standard for workers to get one day off work a week, rather than no days off as before. KTS in particular upgraded the physical conditions of the factory and worker dormitories, began serving higher quality food, improved some health and safety standards, and prominently displayed the labor law on the wall of the factory for all workers to see (Chan, 2009, p. 6). Both factories, but particularly Shunda, continued to have code violations, however. Reebok even fined Shunda for overtime violations, yet the infractions continued. Conditions were so unbearable that worker turnover was 43% a year (Chan, 2009, p. 7).

Reebok also made efforts to reform working conditions in other Chinese factories such as at the enormous 35,000 worker Yue Yuen plant in Zhongshan, Guangdong Province (Collier, 2000). Yue Yuen is a Taiwanese-invested conglomerate that holds 17% of the branded shoe market and employs 265,000 people across the world making shoes for Nike, Adidas, Reebok, and dozens of other brands (Merk, p. 1-2). Reforming working conditions at the Zhongshan factory has proven difficult as a result of its large size and hierarchical management structure that delays communication and decision-making. In 1999 Reebok even withdrew \$40 million in contracts from the Zhongshan plant because of lack of improvement on labor standards (Collier, 2000). Nevertheless, some progress has been made, including the hiring of additional workers to maintain production levels after instituting shorter work weeks, the reduction of fines on workers, the adjustment of the piece-rate pay system, and the use of less toxic glue in the production process (Merk, p. 22).

Though code enforcement, monitoring, and complaint mechanisms set laudable standards and expose human rights violations, they are not solutions to the underlying problem (Santoro, p. 410; Merk, p. 23). The Asian Human Rights department of Reebok ultimately realized that more creative strategies were needed to create sustainable progress on labor rights and code enforcement. As a result, they devised a plan to foster sustainable code enforcement through worker empowerment via the formation of worker health and safety (H&S) committees as well as democratic union elections (Brown, 2003; Chan, 2007, p 3-4). Prior to these efforts, few workers even knew the labor codes existed (Merk, p. 24). The hope was that once workers were educated through H&S committees and empowered through union representation, workers themselves could be the monitors of factories’ working conditions, since monitoring, auditing, and pressuring by Reebok were clearly not achieving the desired improvements (Chan, 2009, p. 2).

HEALTH AND SAFETY (H&S) COMMITTEES

In 2000, Reebok, in cooperation with Nike, Adidas, and four NGOs (Asia Monitor Resource Center, Chinese Working Women Network, Hong Kong Christian Industrial Committee, and Hong Kong Confederation of Trade Unions) began the two-year long China Capacity Building Project (China Capacity Building Project, p. 2). The Project involved workers, supervisors, and managers of three footwear factories (Reebok’s KTS factory as well as one supplier factory for

both Nike and Adidas) (Kurtenbach, 2002). It consisted of a needs assessment, a four-day participatory H&S workshop at the Yue Yuen II plant in Dongguan City, the creation of H&S worker committees for each of the three participating factories, as well as follow-up technical assistance and evaluations with the participants and the new H&S committees to measure the project's impact (Szudy, O'Rourke, and Brown, 2003, p. 357-359). In total only 90 people received the training (15 shop-level workers from each plant, five supervisors and managers with H&S responsibilities from each plant, eight factory H&S staff, plus 22 NGO staff and volunteers); however, the workers that received the training were intended to be the ones that would play key roles in the development of the individual factory H&S committees, thus maximizing the potential benefit (Kurtenbach, 2002; Szudy, O'Rourke, and Brown, 2003, p. 359; China Capacity Building Project, p. 6).

The goals of the project included building the H&S capacity of all participants, establishing baseline H&S knowledge and inspection skills of plant H&S committee members, enabling workers to meaningfully participate in improving H&S on the job, providing post-training technical assistance and support, improving plant H&S conditions, and involving multiple parties in a collaborative process (China Capacity Building Project, p. 4). The training consisted of a variety of participatory and hands-on activities, such as small group exercises, role playing, games, visual demonstrations, mock H&S committee meetings, walk-around inspections, and H&S testing. The topics covered included chemical hazards, occupational exposure limits, controlling hazards, occupational H&S laws in China, ergonomics, and many other issues (China Capacity Building Project, p. 7). The participants also were presented with a 500-page training and reference manual, "Your Health and Safety at Work" (Szudy, O'Rourke, and Brown, 2003, p. 361).

Eight months after completion of the training, KTS workers had successfully created an H&S committee of four full-time inspectors paid at normal production wages. Through regular inspections the committee was able to identify and work with supervisors to correct or reduce some hazards in the factory (Szudy, O'Rourke, and Brown, 2003, p. 363; China Capacity Building Project, p. 14). The Risk Assessment Team (RAT) was charged with carrying out inspections twice monthly while the Risk Improvement Team (RIT) was responsible for ensuring elimination of hazards. When inspectors discovered an H&S violation, they would present written notice to the relevant supervisor along with a deadline for remediation (China Capacity Building Project, p. 11). If the hazard was not resolved within three notices, RIT would take the matter to management (China Capacity Building Project, p. 12). In the first eight months, RAT had amassed a three-inch thick binder filled with distributed hazard notices (Szudy, O'Rourke, and Brown, 2003, p. 364).

Though the new KTS H&S committee met with some initial success, many obstacles and problems also existed. First and foremost, the problem of supervisor resistance to inspections and lack of a mechanism for workers to enforce changes, especially ones that required expensive investments, made continued progress difficult (Szudy, O'Rourke, and Brown, 2003, p. 362). Inspectors were able to bring attention to H&S hazards, but if the supervisors and management refused to correct them, there was really no further action the H&S committee could take. The lack of respect for the work of the committee was exacerbated by the hierarchical structure of the factory and Chinese culture itself (China Capacity Building Project, p. 16).

Other obstacles existed as well. Sometimes, it was fellow workers who impeded hazard remediation by refusing to wear protection equipment that may slow down their work and thus decrease their piecework pay (Kurtenbach, 2002). Further, the need for additional training, more inspectors, and more testing and remediation equipment impeded advancement (China Capacity Building Project, p. 15-16). Some of the most egregious violations were able to be addressed by the young committee, but in order to tackle the more numerous smaller problems or the more complex H&S violations, they needed more resources and manpower. But even making full use of the knowledge, manpower, and equipment available was challenging as committee members struggled to find time to perform their duties while also performing their regular factory work (China Capacity Building Project, p. 15-16; Szudy, O'Rourke, and Brown, 2003, p. 366). On average the part-time committee members put in 6.75 hours of committee work a week, cutting into their paid work hours, and resulting in high turnover of committee members. Considering the high level of turnover, the committee would have benefited from development of a peer training program and more exchange with and training from Reebok. Though the NGOs continued to follow the progress of the committees, little post-training support from Reebok existed (Report on ETI Biennial Conference, 2003, p. 41; O'Rourke and Brown, 2003, p. 382).

TRADE UNION ELECTIONS

A second tool Reebok made use of to empower workers, promote communication between management and workers, and make sustainable improvements in factory working conditions was trade union elections (Maitland, 2002; Lee, p. 5). Beginning in 2001 with the KTS factory, followed by Shunda in 2002, and three other factories in subsequent years, Reebok facilitated factory election process training, election campaigns, and voting (Chan, Oct. 2007, p. 3; Chan, 2005, p. 17; Chan, 2009, p. 5; Tucker, 2007). When the current terms of incumbent union officers in KTS and Shunda expired, Reebok took the opportunity to pressure management in the factories to allow for democratic elections as called for in Article 11 of the Trade Union law (Chan, 2009, p. 4). Because Reebok was the only client of both factories, factory management held a weak bargaining position and had little choice but to go along with Reebok's demands. The prospect of increased Reebok orders after the election also gave the factories incentive to participate (Chan, 2009, p. 7). Likewise, both KTS and Shunda were important tax payers in their respective localities, so the local governments agreed to permit Reebok's plans as well (Chan, 2009, p. 4-5). Negotiations over how to proceed with the elections lasted a year and Reebok clearly took the lead. The existing local union took a quite passive role while the upper levels of the All-China Federation of Trade Unions (ACFTU) did not participate at all (Chan, 2009, p. 7).

To prepare the factory workers for the election, the factories held a pre-election forum describing the election process and allowing the current union chair to answer questions from the workers. In Shunda, the standing union chair performed so poorly under questioning by workers the first few nights that Reebok requested she step down (Chan, 2009, p. 10). In the elections, all employees were allowed to nominate themselves as candidates for the union committee. The committee makeup was based on proportional representation among the various factory production units and the vote was done by secret ballot with one vote per person (Chan, 2009, p. 7-8). In the beginning of the election process, many employees were skeptical considering that

the only prior exposure they had to unions was with the management-controlled factory union that did little apart from organizing recreational activities and collecting union fees. To encourage workers to self-nominate, a monthly union bonus of 70 RMB was instituted (Chan, 2009, p. 9). Ultimately, 62 employees self-nominated in KTS, and 192 employees self-nominated in the twice-as-big Shunda factory (Chan, 2009, p. 8; Merk, p. 28).

Prior to the election, each electoral district allowed workers one night off in order to listen to five-minute candidate speeches. Most of the speeches repeated similar refrains, so any candidate that spoke with slightly more detail or confidence received enthusiastic applause from the audience (Shunda Trade Union Election Report, p. 1; Chan, 2009, p. 10). At both KTS and Shunda a mixture of workers, supervisors, and office staff were elected, while the incumbent union chairs both were voted out (Chan, 2009, p. 11; Maitland, 2002). Each factory had slightly different election rules. In Shunda, the workers voted for the union committee members and the elected union committee members in turn voted for the union chair, vice chair, and other subcommittee positions (Chan, 2009, p. 8). At KTS, all positions were voted for by all workers.

Early on, different factories had varying degrees of success with their newly elected unions. Initially, KTS was quite successful, largely because of their relatively more accommodating management (Chan, 2009, p. 12). During the first few months, the newly elected union held regular meetings and met once a month with top managers to report concerns. Several of these concerns were effectively addressed by management including the abolishment of monetary penalties, the institution of paid sick leave, and enrollment in the government social security system for workers employed at least a year (Chan, 2009, p. 13). Shunda, however, showed more resistance to the new union. Shunda management was less accommodating and the local union more controlling as they felt Reebok had invaded their territory (Chan, 2009, p. 15). As with the H&S committee members, the Shunda union leaders found it difficult to find time to conduct union-related work. Supervisors would transfer the union leaders to more difficult jobs with longer working hours and harass them for taking time off to manage union affairs. Eventually this pressure pushed the most hopeful leaders to quit (Chan, 2009, p. 16). Nevertheless, even in Shunda some initial progress was made and communication between the union leaders and management resulted in the alleviation of the most severe problems within the factory (Yu, 2008, p. 524).

The more extensive pre- and post-election support that the workers and the new union committee members at KTS received from Reebok and NGOs also contributed to KTS's initial success as compared with Shunda. The Livelihood Counseling Center which was set up early on to help workers with their personal problems ended up acting like a union preparatory committee helping to organize the campaign and election (Chan, 2009, p. 8). After the election at KTS, Reebok had NGOs from Hong Kong hold a half-year training program for the new representatives during which they taught administrative skills, management negotiation and communication skills, as well as union values emphasizing independence from management (Chan, 2009, p. 12).

The Shunda factory benefited from neither a Livelihood Center nor post-election NGO training, leaving the Shunda workers less informed about the significance and potential benefits of the democratically elected union and the new union leaders unprepared for the task that confronted

them. As mentioned before, Shunda had no Livelihood Center because of its distance from the social workers in Hong Kong. The lack of post-election NGO training, however, was due to the refusal of the local development zone's union to allow outside parties to train the new union. Insisting on taking a much stronger role in the election process than did the local union at KTS, the local union at Shunda maintained that it was the official union's role to train the new union representatives, not the role of outsider NGOs and foreign companies. As a result, the new Shunda union representatives were trained and instilled with the idea that the union should work closely with management rather than independently, thus undermining the true representative capacity of the union and resulting in the new union leaders being reabsorbed by the official union (Chan, 2009, p. 15-16).

Though both unions had initial successes, ultimately the experiment failed in its primary goal of creating factory unions that genuinely represented the interests of the workers. Today all the Reebok-facilitated unions are effectively under management control (Chan, Oct 2007, p. 5; Chan, 2009, p. 16). At the end of 2002, the Hong Kong management partner of KTS bought out the Taiwanese partner, drastically changing the management-union relationship dynamic. The new Hong Kong manager was much less tolerant of union requests and actually reversed much of the progress that had been made since the elections. Most importantly, KTS terminated the union-NGO training program and deemed further interference by Reebok as illegal. When confronted with these obstacles, Reebok largely retreated leaving the fledgling union to fend for itself (Chan, 2009, p. 13-14). In Shunda, management hostility and the lack of proper union leader training resulted in the demise of union independence even earlier. Now most of the originally elected union leaders have left and Shunda's union remains largely inactive (Lee, p. 8).

One factor that some observers claim contributed to the undermining of the young unions was Reebok's failure to engage higher levels of the ACFTU leadership in the election process. Though local union leaders did passively participate in the pre- and post-election process, higher level ACFTU presence was non-existent (Chan, Oct 2007, p. 5; Chan, Dec 2007, p. 11; Lee, p. 5). Jill Tucker, the Asia Human Rights Director for Reebok at the time and a principal facilitator of the elections, claims that Reebok did in fact reach out to ACFTU leaders in Beijing but that it was difficult to connect with individual upper-level leaders with true authority. Qualifying that statement, however, she conceded that had Reebok engaged national ACFTU leaders early on, the process of getting approval and negotiating election procedures with the national leaders would have greatly lengthened and complicated the pre-election preparation process (Tucker, 2009).

It is possible that ACFTU did not actively intervene earlier because they wanted to wait and see how the elections turned out. If the elections did not go well, they could easily distance themselves from the process and blame the failure on Reebok. If the elections went well, however, the local union could claim responsibility and enhance their reputation (Lee, p. 6). Initially, the latter actually did happen. Both the newly elected KTS and Shunda unions were lauded by the local ACFTU branches as model unions to be emulated (Chan, Dec 2007, p. 12). However, once upper leaders in the ACFTU saw that the elected unions had the potential to make real changes in factories, they decided to reassert control and push Reebok out.

In 2003 after the elections at both KTS and Shunda were completed, upper level ACFTU leadership did ultimately become engaged. Su Weiqing, a vice president of the ACFTU, criticized Reebok for intervening in China's internal political affairs and stated that it would be illegal for Reebok to meddle further. From that point on, Reebok confronted much more resistance to their activities with the unions and were forced to retreat. As a result, the local unions began to dominate the young elected union branches, and many of the early, enthusiastic elected leaders have since left or been driven out of leadership positions or of the factories altogether (Chan, Oct 2007, p. 6; Chan, 2005, p. 17; Chan, 2009, p. 16-17)

Another factor that made it easier for local unions and factory management to drive out or co-opt the newly elected union leaders was that the original union charters Reebok had formulated with the factory management failed to assure financial independence or the right to collective bargaining for the young union branches. Without financial independence, the unions quickly became beholden to the control of management; otherwise they would have been unable to garner sufficient funds for union activities. In Shunda, the full-time union officials were also paid middle management salary and benefits, thus distancing them from ordinary workers and creating corrupting incentives that encouraged union officials to ally with management (Chan, Dec 2007, p. 12). Likewise, without provisions for collective bargaining, the negotiating power and the ability for the union to make positive change on behalf of the workers was greatly curtailed (Chan, Oct 2007, p. 6).

The lack of trade union awareness and solidarity within the factories magnified these problems as well, resulting in the workers and elected union officials bowing to pressure earlier than likely had there been a more ingrained sense of duty and mission. However, such a trade union culture historically has taken years or decades to develop in other countries and only emerges out of collective struggles for union rights among workers, thus making the Chinese factories' failure to develop such a culture in the short period of time available unsurprising (Chan, Oct 2007, p. 7).

OBSTACLES TO PROGRESS ON LABOR CONDITIONS

Though some initial progress on labor standards via H&S committees and union elections proved promising, once Adidas took over Reebok in 2005, factory conditions worsened (Lee, p. 7; Chan, 2009, p. 2). Adidas took little interest in the development of the unions and even less interest in continuing democratic union elections. When Ms. Tucker resigned as Reebok's Asia Human Rights Director, Adidas never replaced her. Further, Adidas pushed for the factories to shorten production lines by over half while maintaining output levels, thus resulting in even more intense and stressful working conditions (Lee, p. 8). To make matters worse, because inflation outpaced wage increases, the real value of wages actually decreased (Lee, p. 11-12).

Even before Adidas bought out Reebok, however, tensions existed between Reebok's sourcing and human rights departments that undermined Reebok's stated intention of improving labor standards. As expressed in Reebok's Human Rights Report for 2005, their "goal is to seamlessly integrate our human rights commitments with the day-to-day functions of our business" (Reebok, p. 10). However, later they frankly state:

“We recognize that inefficiencies in our purchasing practices sometimes contribute to violations of our Standards. It is not always possible to determine whether production lead times and prices accepted by suppliers are consistent with full implementation of our Standards” (Reebok, p. 10).

“We revealed that current sourcing strategies – premised on flexibility and fast turnaround – combined with lowering of unit costs, are significantly contributing to suppliers using exploitative employment practices such as: Short-term “rolling” contracts...Piece-rate payments...Low wages to meet falling unit costs...Excessive working hours and forced overtime...Restrictions on freedom of association...Both at the retailer end and at the supplier end, codes are viewed as something that can be derogated from in the normal run of business. Code compliance staff admit that in certain circumstances, for example, with last minute orders, excessive overtime is overlooked” (Reebok, p. 15).

Whereas Reebok’s production department worked closely with the Chinese factories and with Reebok’s human rights department to assure decent working conditions, Reebok’s sourcing department was much more detached from the reality on the ground. This resulted in sourcing decisions that often impeded Reebok’s goal of improved labor standards (Tucker, 2009). Reebok’s sourcing decisions were based on annual supplier evaluations that gave consideration to price, quality, timeliness, and labor practices, though labor practices usually received less weight. The suppliers with the highest score would receive a larger volume of forward orders. Seeing as labor practices received less weight than price, suppliers had a disincentive to improve working conditions if such improvement required expensive reforms, and Reebok’s sourcing department proved unwilling to shoulder any of the cost of such reforms (Yu, 2007, p. 519; Chan, Dec 2007, p. 8). To make up the cost of reforms, suppliers often ended up squeezing the workers even more, increasing the speed of production, increasing fees and wage deductions, etc. (Chan, Dec 2007, p. 8).

Practices such as “just-in-time” and seasonal production as well as last-minute orders (such as the rollout of products celebrating the winner of the Super Bowl) cause factory managers to delay finishing production in case there are last-minute alterations, thus compressing production schedules to minimize waste. This directly results in excessive overtime (Report on ETI Biennial Conference, 2003, p. 40; Gilley, 2001). As Anita Chan states, despite Reebok’s declared desire to incorporate human rights standards into the daily functioning of their business, “not coordinating the functions of the CSR department with the other departments in order to make CSR effective is not a simple oversight. Rather, the ultimate goal of corporate policy is to render the CSR program ineffective” (Chan, Dec 2007, p. 11).

THE DEBATE

This claim underlines the inherent tension that exists between labor rights and a business’ profit motive. Enforcing CSR codes and labor rights costs money, and in the competitive market for shoes and other products, increased cost could undermine a firm’s profits and competitiveness. For example, paying all the workers at Shunda a living wage would cost an extra \$3 million a year, accounting for less than 2% of Reebok’s average profits per year (Yu, 2008, p. 526). However, if that amount were replicated across Reebok’s thousands of factories around the world, it could significantly cut into profits. With regard to pricing, the same tension applies. The

Reebok production and human rights departments did a joint study to figure out how much extra it would cost to manufacture a completely CSR-code-compliant shoe, and found that it would cost about \$1 more per shoe. A difference of \$1 for higher end, more expensive shoes might not affect the company's bottom line too much, but for less expensive, lower end shoes, the difference could have a large impact on competitiveness and profitability of the product (Tucker, 2009).

As a result of this tension, some critics conclude that CSR codes and corporate-facilitated union elections are shams, simple marketing tools to gain market share where corporations "are the judge and jury of their own codes" (Ngai, 2004, p. 8). After the ultimate failure of the elected union at KTS to maintain the interests of the workers, one disenchanted worker stated "Reebok peddled human rights as a commodity" while a Chinese trade union official claimed "Reebok doesn't really want strong unions" (Chan, 2009, p. 17-18). The belief is that Reebok could have done what was necessary to truly integrate the CSR code into the business, but they chose not to because it would have cut into profits for the supplier factories, for Reebok, or both. Some in China even see CSR codes as Western protectionism aimed at eliminating China's competitive advantage in cheap labor (Chan, 2005, p. 13).

In the meantime, the appearance of corporate social responsibility has benefited Reebok's bottom line. In the 1990's during the height of anti-sweatshop activity, Nike appeared in 61% of the related news reports while Reebok came up in only 3.1%. Further, partly as a result of their relatively prominent CSR program, Reebok profits went from \$11 million in 1999 to \$192 million by 2004 (Yu, 2008, p. 516). According to Stephen Frost, Executive Director of CSR Asia, the Reebok trade union election experiments are an example of "how workers' aspirations are repackaged into forms that suit external agendas. When Chinese workers want trade unions of their own making, they will need to fight for them in their own way" (Frost, 2007).

Some also believe that corporate-facilitated worker representation mechanisms such as H&S committees or union elections are inherently illegitimate and cannot be truly representative of workers interests, sometimes going so far to say that Reebok did not even have the right to engage in such activities (Frost, 2007). In this view, H&S committees and unions resulting from corporate-facilitated efforts at best result in "managerial paternalism." "Rather than leading to labour power and resistance in the workplace, labour politics will be co-opted by the 'political side of capital' with the potential consequence being "the shrinking of labour autonomy and collective power if labour protection mechanisms are defined, regulated and constrained by capital" (Ngai, 2004, p. 5). These critics see Reebok-facilitated H&S committees and union elections as potentially preventing the formation of "real trade unions" (Merk, p. 29). Instead the corporations define the terms of labor rights, resulting in "the turning of labour mechanisms and trade unions, newly established in the factories, into business institutions for facilitating the production and business goals of capital" (Ngai, 2004, p. 21).

Not all observers agree with such a cynical view of Reebok's CSR and union election initiatives, however. Ms. Tucker of Reebok has defended Reebok's worker representation experiments, explaining that they serve "not as a panacea, but as a process...that held the greatest potential for long-term change that would eventually reduce the need for the brand's intervention to ensure good working conditions" (Tucker, 2007). She maintains that the key to long-term change is

raising worker awareness and that Reebok's H&S committees and union elections made progress toward that goal (Tucker, 2007; Tucker, 2009). Others emphasize the importance of Reebok's efforts in creating the space for workers to elect their own representatives in a political and cultural environment where doing such would be almost impossible otherwise (Chan, Oct 2007, p.4; O'Rourke and Brown, 2003, p. 382). Mistakes may have been made in the implementation of Reebok's worker representation initiatives, yet it does not follow that therefore all such corporate-facilitated efforts should cease (Chan, 2009, p. 17).

THE LONG MARCH FORWARD

Changes on the ground in China in the past several years reveal that this more positive take on Reebok's worker representation experiments might have validity to it. Evolution in the views and practices of the Chinese government, the ACFTU, and the workers themselves indicate that Reebok's initiatives likely were not a futile exercise in a vacuum of political restriction, but rather one step out of thousands that stakeholders in China have begun to take toward greater worker representation and labor rights. Anil Verma, Jing Wang, and Stephen Frost speak of a "Third Way" for labor standards in China, described as the "evolution of a web of institutions, some from the communist system, some from outside, that will create a web of formal rules and informal norms to improve labor standards" (Verma, Wang, and Frost, p. 130). Though Stephen Frost opposed Reebok's worker representation efforts in a CSR Asia Weekly article (as cited earlier), the "Third Way" does site multinational corporations as one source of pressure for change, and Reebok's efforts fit quite well into that role (Verma, Wang, and Frost, p. 132).

Government Evolution

Over the past twenty years, the Chinese government has slowly initiated many changes in law and administrative practices that have begun to address workers' rights and provide a legal basis for worker empowerment (Verma, Wang, and Frost, p. 129). Many of these government changes are simply part of China's gradual economic reform and opening; however, pressure and influence from companies like Reebok have likely contributed to the acceleration of the pace of labor reforms. The passage of the Law on Protection of Women's Rights and Interests in the Workplace of 1992, the Trade Union Law of 1992, the Regulations for Handling Labor Disputes of 1993, the Labor Law of 1994, the amended Trade Union Law of 2001, the Law on Occupational Diseases Prevention and Control of 2002, and the Law on Safe Production (Work Safety Law) of 2002 each contributed to institutionalizing workers rights and labor standards into Chinese law and society (Howell, 2006, p. 9; Verma, Wang, and Frost, p. 133; Chan, 2004, p. 67-68; Chan, 2005, p. 6 & 8; O'Rourke and Brown, 2003, p. 379) In particular, the 2001 Trade Union law revisions deemed work stoppages and slowdowns as legal and allowed for democratic labor union elections, while the Labor Law protected the right to engage in collective bargaining, as well as mediation, arbitration, and litigation of labor disputes (Chan, 2004, p. 67-68; Chan, 2005, p. 6; ICFTU, 2004; Verma, Wang, and Frost, p. 133).

Aside from the creation of new laws, the Chinese government has instituted reform in other ways as well. In 1998, the high-level Office for Maintaining Social Stability headed by Wei Jianxing, then President of the ACFTU and a member of the Politburo Standing Committee, was created to

deal with disputes (Howell, 2006, p. 8). The government also set up a labor inspection system, run by the State Administration of Work Safety (SAWS) to assure enforcement of workers' rights. As of 2003, however, SAWS only employed 20,000 inspectors, leaving only one inspector for every 35,000 workers as compared to one inspector per 4,000 workers for Hong Kong's inspection program (Verma, Wang, and Frost, p. 133; O'Rourke and Brown, p. 380). Though enforcement of these laws and mechanisms remains a problem, they play an important role in the evolution of labor standards in China, including a delinking of political authority from managerial power by providing various levels of alternative dispute resolution systems (Howell, 2006, p. 8; Verma, Wang, and Frost, p. 133).

Government propaganda has also moved in a pro-worker direction as has Beijing's willingness to tolerate protest and criticism (Verma, Wang, and Frost, p. 133). At the 16th Party Congress in 2002, it was decided that the Chinese Communist Party would officially move away from being a "revolutionary party" towards being a "ruling party," reflecting a desire in the government to strengthen accountability and the rule of law (Howell, 2006, p. 7). Movement towards becoming a "ruling party" could over time have the effect of improving enforcement of all laws, including pro-worker labor laws. An example of this took place in March 2004, when a statement by Premier Wen Jiabao sparked a government campaign to address problems of wage arrears. The State Council allegedly committed to resolving wage arrears problems in the construction industry resulting in 98.4% of arrears being successfully paid to workers by June 2004 (Verma, Wang, and Frost, p. 134-135). Actions like this reflect the shifting tide towards support for workers.

Various levels of the government have also become more willing to cooperate with NGOs, international organizations, and other outside actors like Reebok (Verma, Wang, and Frost, p. 133). For example, feeling pressure of competition for jobs from countries like Vietnam, Cambodia, and Thailand that are willing to work with CSR standards, the Guangdong government has felt the need to learn more about the impact of labor standards on the investment climate. As a result, Guangdong has hosted increasing numbers of workshops and conferences on the anti-sweatshop movement, CSR, and factory monitoring (Chan, 2005, p. 12-13).

ACFTU Evolution

The ACFTU has also undergone changes in the past several years that could bode well for labor rights, and Reebok's efforts to promote worker representation likely helped pushed the ACFTU toward this change. Though history of isolated direct elections in Chinese factories go back as early as 1982 and 1986, recent action has propelled union democracy to the national stage (Howell, 2006, p. 7 & 15). After Deng Xiaoping's tour south in 1992, "Implementing Regulations for Trade Union Grassroots Organizations Election Work" were issued, and then five years later the ACFTU issued "Opinions on Some Core Issues in Advancing Trade Union Reform and Construction" which called for direct union elections in small and medium enterprises (Howell, 2006, p.11). In 2002, the ACFTU launched a national campaign promoting "democratic management" in the non-state sector, with maintaining industrial peace and stability as a primary motivation (Yu, 2008, p. 243). Direct union elections have also sprouted from regional initiatives, such as in Zhejiang province which reportedly held more than 300 factory-level union elections around the year 2000, though the elections were not reported on until 2003

(Chan, 2005 p. 18; Chan, 2009, p. 19-20). A Hunan Workers Daily article on February 10, 2004, also reported that in the provinces of Guangdong, Fujian, Zhejiang, Hubei, Shandong, Hebei and Inner Mongolia up to 70% of medium-sized private enterprises had directly elected trade union chairpersons, though the definition of “directly elected” in all of these cases remains questionable (ICFTU, 2004).

In 2003, an ACFTU press release announced that the ACFTU would promote similar elections across the country (Chan, 2005, p. 18; Chan, 2009, p. 20). They have encouraged direct union elections in foreign-run as well as state-owned enterprises (Verma, Wang, and Frost, p. 134-135; Chan, 2005, p. 1). In order to facilitate these elections, the ACFTU has begun drafting union election rules (Bodeen, 2003; Howell, p. 14). The ACFTU constitution states that trade union officers at each level must be elected with the winners being approved by the next level up in the ACFTU. This process in the past, however, often resulted in political or management appointments, far from democratic elections (ICFTU, 2004).

One motivation for the ACFTU’s movement toward more genuine worker representation has been to increase the legitimacy, responsiveness, and accountability of the unions in the face of increasing worker unrest, seeing as elected union leaders tend to be younger, more capable, approachable, and energetic with a greater emphasis on workers’ interests (ICFTU, 2004; Howell, p. 11). Another may be to give the appearance of progress on labor rights so as to prevent more foreign firms such as Reebok from pushing their own efforts (Chan, 2005, p. 18; ICFTU, 2004). In that way, the ACFTU is attempting to take ownership over the idea of union elections and gain control over the process, thus improving the union as a bridge between workers and management rather than as an independent voice for workers (Howell, p. 14).

A further motivation for ACFTU reform is its desire for self-preservation. Currently, the state sector has the highest percentage of unionized firms, thus serving as the base of the ACFTU. However, as the state sector shrinks, so does the ACFTU’s relevance and funding (Chan, 2005, p. 21; Howell, p. 8). To prevent this outcome, the ACFTU has extensively promoted the extension of union branches to non-state enterprises and boosted union membership from approximately 90 million members in 1998 to 134 million by 2003 (Bodeen, 2003). But to maintain relevance, the ACFTU has to do more than maintain a long member list. It also has to represent workers well enough so that worker unrest keeps at a minimum. Enterprise-level union elections are one tool that the ACFTU hopes to use to achieve that goal (Chan, 2005, p. 21).

In 2004, the ACFTU achieved the ultimate goal in global labor organizing – the unionization of Wal-Mart. As the first in the world to successfully force Wal-Mart to unionize, the ACFTU has increased its stature and set a powerful precedent (Chan, 2005, p. 16-17; Howell, 2006, p. 9). By August 2006, the two parties also agreed to direct union elections according to ACFTU guidelines. Not only has this created great momentum towards worker representation in China, but it also provided an opportunity for the cooperation between the ACFTU and foreign unions, particularly the International Trade Union Congress (ITUC, formerly ICFTU) which formerly refused engagement with the Chinese union on the basis that it was not truly independent (Chan, 2009, p. 20). The American Change to Win union federation has also made contacts with the ACFTU while the Beijing General Trade Union has taken a trip to Canada to participate in a Canadian Auto Workers Union collective bargaining training (Chan, Dec 2007, p. 18). Over

time, such increased communication between foreign unions and the ACFTU could result in a transfer of knowledge and labor practices that could nudge the ACFTU toward more democratic, independent policies and worker representation.

Worker Evolution

The Chinese government and official union are not the only stakeholders that have experienced transformations. In the past 15 years, Chinese workers have also undergone profound changes. Largely as a result of foreign companies' CSR commitments, such as Reebok's H&S committee trainings and union elections, workers have gone from not knowing the purpose of a union or what their labor rights were to being increasingly aware, actively using the law to serve their interests and fight for improved labor standards (Howell 2006 p 10; Chan, 2005; Chan, 2009, p. 21). Because of corporate training initiatives like Reebok's, a large percentage of southern China's 10 million migrant workers have completed at least a couple hours of labor rights awareness training (Chan, 2005, p. 12). This increased worker awareness combined with the promulgation of more pro-labor laws has even spawned a new industry of lawyers and paralegals that help workers navigate the increasingly favorable labor law landscape (Chan, 2005, p. 22).

As workers have become more aware, they have also become less willing to make the move from their hometowns to cities for work (Chan, 2005, p.1; Tucker, 2009). Before, demands for improved labor standards were continually undermined by the estimated 5 million new workers searching for jobs each year and the 140 million migrant workers willing to accept any available jobs regardless of working conditions (O'Rourke and Brown, 2003, p. 379). However, around 2003 Chinese newspaper reports about migrant labor shortages in southern China began appearing. Due to deteriorating factory working conditions, falling real wages, and improving rural economies as a result of high agricultural prices and tax reform, migrants' cost-benefit analyses began favoring staying home rather than going out to the city for work. By 2004, some claim that 80% to 90% of factories in certain areas could not attract enough labor and had to cut production (Chan, 2005, p. 2-3). After Chinese New Year in 2005, approximately 10-20% of industrial workers in Guangdong traveled to their hometowns for the holiday and never returned to the city for work afterward (Economist Intelligence Unit, 2005).

Current economic conditions have changed this dynamic somewhat as millions of workers have been laid off due to falling export demand (Tucker, 2009). Nevertheless, the economy will eventually recover, and rural workers are not likely to change their minds about staying home unless rural economies worsen significantly or labor conditions and wages in the cities increase substantially. Workers' spontaneous decision to "vote with their feet" could ultimately increase workers' bargaining power vis-à-vis factory management and bring rise to new opportunities for worker empowerment and improvement of labor rights in China (Chan, 2005, p. 6).

CONCLUSION

Reebok's introduction of worker representation mechanisms and development of worker awareness may have failed to achieve the short term goal of improving working conditions in Reebok's Chinese supplier factories; however, these initiatives did manage to influence larger dynamics in China that are arguably just as important. By putting outside pressure on the

Chinese government to begin enforcing labor laws and by demonstrating how cooperation with outside actors can lead to innovative strategies for incremental reform, Reebok made an important contribution to the development of the “Third Way” towards improving workers rights in China. Likewise, Reebok’s example of initially successful enterprise-level union elections demonstrated to the ACFTU and the Chinese government the enthusiasm of the workers toward greater representation in the workplace and the potential that such representation could have for improved labor standards, increased union legitimacy, and stabilized industrial relations. Without this exposure, the ACFTU’s evolution towards more democratic and accountable representation very well may have taken much longer. Finally, Reebok’s programs to directly educate workers on labor rights, as well as their role as a leader of the CSR movement in China encouraging other firms to launch their own efforts, have had substantial positive impacts on the development of worker awareness and activism in China. When evaluating the success or failure of the Reebok-facilitated union elections and H&S committees, these important positive externalities must be taken into account.

Though Adidas shows little interest in continuing Reebok’s worker representation initiatives, the stage has been set for other stakeholders to pick up where Reebok left off. Reebok’s collaboration with the National Retail Federation of the United States and the Retail Council of Canada to create the Fair Factories Clearinghouse in January 2005 further cemented this legacy by creating a platform for the sharing of information about the thousands of factories that corporations source from across the world (Economist Intelligence Unit, 2005). The more transparent information on sourcing factories is, the more accountable and responsive corporations are likely to be to consumer demands for improved labor conditions. Likewise, efforts by the International Labor Organization to develop a “decent work index” could be used to compare localities and help create a race to improve working conditions that could help counteract the infamous “race to the bottom” for which many have claimed China responsible (O’Rourke and Brown, 2003, p. 383).

China has only just left the starting line at the beginning of its long march towards improved labor standards. Reebok played an important role by shooting the starting gun of corporate social responsibility in China, but it will take many more actors to keep the march moving forward. That will not only be the job of multinational corporations, governments, NGOs, and the workers themselves, but also of individual consumers across the globe. In order for steps to continue being made in the right direction, consumers must take the cue from China’s migrant workers and “vote with their feet” by standing behind corporations that contribute positively to worker empowerment and calling out corporations that do not. No single actor, including Reebok, can assure the protection of labor rights, but when we each do our part, the long march may just become a little shorter.

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