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## **Chapter 4. Hong Kong labour movement under totalitarian rule: oppression, resistance and anti-politics**

On 1 July 2020, the 23<sup>rd</sup> anniversary of Hong Kong's handover to China, Beijing forcefully imposed the National Security Law (NSL) on Hong Kong, after months of protests in the city against the proposed Extradition Bill. The NSL has turned Hong Kong from an authoritarian society into a totalitarian one.

After the enactment of the NSL, political oppression has stepped up from suppressing protests on the streets to looming over the entire civil society. As of May 2022, more than 170 people were arrested under the pretext of endangering national security, among them 110 prosecuted (Gao Nuoheng, 2022). Many are key figures and activists in political parties and civil society organisations. Organisations and trade unions which have long supported civil society, such as the Civil Human Rights Front, the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, the Hong Kong Professional Teachers' Union, the Hong Kong Confederation of Trade Unions and many more had no choice but to disband under tremendous political pressure. There were crackdowns on independent and vocal media outlets. Students' unions were denied official standing by university management and barred from campus. Associations of professional groups, including lawyers, journalists, teachers and medical workers, were also purged by the regime.

After eliminating the dissidents from civil society, the regime subsequently introduced and reconfigured a new sociopolitical order that has swept through the legislature, law, education, media, the general workplace and other spheres. What Beijing has implemented in Hong Kong is far beyond 'retaliation' against the 2019 anti-extradition movement; it is a political project designed to put Hong Kong under totalitarian rule. As the totalitarian social order is taking shape, the boundary between the state and society is blurred, with the regime directly interfering with various social spheres. The once autonomous civic space has been severely diminished and is in grave danger.

## **Industrial relations restructured under totalitarian rule**

For years, Hong Kong has lacked legal safeguards for the right to collective bargaining, and the labour rights legislation in the city is behind the times. As the undemocratic Legislative Council fails to address people's demands effectively, industrial actions almost become the last resort for workers to fight for their fair share. In the past three decades, all significant industrial actions in Hong Kong, including the bartenders' strike in 2007, the dock workers' strike in 2013 and Hoi Lai Estate cleaners' strike in 2018, were organised with the support of the Hong Kong Confederation of Trade Unions (HKCTU) and its affiliates. Following the disbanding of HKCTU and the Professional Teachers' Union, other independent trade unions are increasingly isolated and fragmented. As the alliance of independent labour movements falls apart, it is a severe blow to workers' resistance against exploitation.

After the disbanding of HKCTU at the end of 2021, the pro-Beijing Hong Kong Federation of Trade Unions (HKFTU) will now have the monopoly to assume the role as workers' representatives. HKFTU, which has been a puppet of Beijing since the 1997 handover, will continue to prioritise maintaining social order over workers' rights. In the past, there were incidents when HKFTU condemned workers' strikes for 'disrupting harmonious industrial relations' and sabotaged industrial actions in many ways. Now free from the scrutiny of democratic unions, HKFTU and other pro-establishment unions are revealing themselves as state actors for maintaining stability. During the Covid-19 pandemic, for instance, the Hong Kong government froze the minimum wage level for a second year straight, enforced mandatory vaccination for employees across various sectors and amended the Employment Ordinance to allow employers greater power to dismiss unvaccinated staff. After the elimination of independent labour centres, these policies came into force with minimum opposition.

Under the new political order, in addition to exerting pressure through the NSL, the regime also used the laws from the colonial period to impose strict political control over trade unions. At least five trade unions have received inquiry letters from the Trade Union Registry, asking them to provide details of their past participation in social movements and trade union activities, and threatening to cancel their registration under the Trade Union Ordinance. Among them, five committee members of the General Union of Hong Kong Speech Therapists were arrested by the authority on charges of seditious publication for publishing children's picture books, and the union was subsequently banned by the authority. The suppression of the trade unions created white terror, which immediately triggered a wave of trade

unions disbanding. In 2021, 23 trade unions applied for self-dissolution, increasing more than tenfold when compared with 2020. The regime also indicated that the Labour Department would monitor and regulate trade union organisations according to the NSL to ensure that they comply with the interests of national security.

Apart from that, totalitarianism has extended its political oppression to the general workplace by colluding with employers and management. A blatant attempt was the large-scale, politically motivated dismissals of airline workers. During the anti-extradition movement, at least 30 pilots, flight attendants and ground crew were dismissed by airlines, in retaliation for their involvement in the protests or their expression of political views on their personal social media accounts. After the enactment of the NSL, similar purges against employees escalated, spilling over from private enterprises and pro-Beijing institutions to the civil service, the education sector including universities, the media and other professional spheres. Employees are subjected to various forms of persecution, including warnings, transferal, demotion, lay-offs and even dismissal for holding dissident political views. The regime no longer adheres to its past doctrine of ‘non-intervention’ and neutrality in industrial relations, but seeks to abruptly intervene and suppress dissidents with state power.

Some capitalists even see the NSL as a political opportunity to strip trade unions of their power to resist, with an agenda of restructuring industrial relations. For example, within a month after the NSL came into effect, Cathay Pacific unilaterally issued a notice to permanently cease the year-end negotiations on wage and working conditions with its flight attendants’ union, dismissing the negotiations as ‘old-fashioned’ and ‘confrontational’. The airline subsequently even renounced the unions’ right to use the union office. In the meantime, the collective bargaining agreement signed with the pilots’ union was also unilaterally voided by the company. Both unions were among the very few Hong Kong unions that had a role in collective bargaining recognised by employers. Bargaining progress made by these unions used to serve as benchmarks for other unions when demanding pay rises. The Cathay Pacific incident not only dealt a devastating blow to unions in the civil aviation industry, but also undermined the general bargaining power of the working class in Hong Kong.

### **The politics of anti-politics: new forms of resistance movement**

Under the threats posted by the NSL, any acts of resistance that challenge the political system and the PRC’s dominance now have very little room

to gather strength, as such resistance is faced with an enormous risk of being suppressed. Learning from the resistance movements of Eastern Europe in the 1970s, the dissidents in Poland, Czechoslovakia and other former Soviet states proposed to adopt ‘the politics of anti-politics’ as the backbone strategy for resistance (Ost, 1990) Temporarily shifting the focus away from a change of state or seizing political power, anti-politics strives to defend civil rights and people’s autonomous ways of living. However, anti-politics differs from the simple notion of remaining apolitical. Dissidents in Eastern Europe were profoundly aware that, if the ultimate goal of a totalitarian regime is to fully control every aspect of social life, any attempt to defend an autonomous way of living will eventually clash and conflict with the state power, turning into another form of politics.

In the past year, despite Hong Kong turning into a totalitarian city, resistance did not perish when people’s basic rights and survival were infringed. In May 2021, sales workers at Coca Cola went on strike for three days to protest against the company’s new salary system and outsourcing plan. In October 2021, dozens of construction workers organised themselves without a union to block roads to demand their unpaid wages. In November 2021, hundreds of Foodpanda delivery workers launched a two-day strike to protest against the increasingly hostile wage and working conditions. This resistance did not only oppose capitalist exploitation, but also challenged undemocratic industrial relations.

Although the HKCTU was forced to disband, autonomous labour movements will survive as independent unions continue their work in the workplace, gathering strength in bottom-up workers’ resistance. Through vocational training, handling labour disputes and intervention in industrial actions, unions maintain day-to-day contact with workers. In light of the political reality, trade unions are becoming more cautious when getting involved in industrial actions. Unlike past practices of leading industrial actions under the spotlight, they now keep a low profile and play a supportive role behind the scenes, for example facilitating media relations and advising on negotiation strategies. Various enterprise-based unions focus on a wide range of labour rights issues in the workplace, such as resisting unjust policies during the pandemic and fighting for the equal treatment of discriminated employees. Members of various unions also spontaneously initiate actions to counteract political infiltration. In a recent general election of an aviation union, members successfully initiated a vote of no-confidence to veto pro-government candidates becoming executive board members. Citing Antonio Gramsci, the resistance strategy nowadays has changed from a war of manoeuvre to a war of position.

Nevertheless, when the regime resorts to the Trade Unions Ordinance, the out-of-date colonial legislation, to restrict unions or even threaten to deregister them, it is time for workers in defiance to explore new forms of self-organisation that go beyond unions. The Foodpanda strike last year was not led by unions, but initiated by a few south-east Asian delivery workers who formed Telegram groups and managed to connect with more than 800 workers on the first day. The number snowballed to 1700, providing massive support for a strike (Li Huiyun, 202). Such sporadic, anonymous and informal organisation not only overcame the hurdles of dispersed workstations and limited mobility, it also helped to evade government intervention and suppression from the management. In the foreseeable future, as conventional unions face tightening political control, more similar informal labour organisations, such as groups on social media, issue-based concern groups, workers' mutual groups and workplace committees will emerge.

These self-organised labour organisations and networks, as well as independent unions in various sectors and enterprises, do not exist on their own. Instead, they join forces with self-organised resistance in other social spheres to gradually form a 'second culture' or 'parallel structure' independent of the regime (Havel, 1992). An obvious example of such a parallel structure in the economic sector is the 'yellow economic circle' formed during the anti-extradition movement. The yellow economic circle is mainly composed of small businesses that support democracy and consumers who shop at like-minded businesses and boycott pro-Beijing capitalists. Some business owners are also willing to provide employment opportunities for released political prisoners or contribute to the social movement in different ways. Self-organised resistance also emerges in other social spheres. As independent media close down or succumb to state control, more and more independent citizen journalists emerge. As district councillors and mutual aid committees are dismissed, different forms of mutual aid networks mushroom in the community. As political brainwashing looms over regular schools, more off-campus self-learning and cultural exchanges are put into practice. As Polish Marxist philosopher Leszek Kołakowski (1971) said, although the resistance defending our independent autonomous way of life may not lead to an instant reform of the social system, it can nevertheless resist or undermine the encroachment of totalitarian rule on our society, and in many ways offer its members a reasonable life.

## Conclusion

Hong Kong's new political order is in the making, as the regime strives to install its totalitarian political project. Hong-Kongers with the determination to resist will continue to challenge and clash with the expanding political power in different social spheres. The resistance of exploited workers never perishes – while independent labour movements reorganise themselves from scratch and consolidate their work on enterprise or sectoral levels, new forms of self-organised labour movements are emerging. In contrast to the large-scale social movement in the previous phase, new resistance movements are more discreet and engage in non-political confrontation, akin to the dissident movements across Eastern Europe in the 1970s which upheld the politics of anti-politics. When different forms of self-organised labour resistance interact with social movements to defend our way of living, this complex and intertwining civil network has the potential to develop into the bridgehead against totalitarianism.

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