



**Open Letter**

**Representatives of trade union confederations, federations, civil society organizations and associations working to promote labour rights and fundamental freedoms in Cambodia**

**To**

**SAMDACH AKAK MOHA SENA PADEI SECHO HUN SEN PRIME MINISTER OF THE KINGDOM OF CAMBODIA ON THE 135<sup>th</sup> ANNIVERSARY OF INTERNATIONAL LABOR DAY DAY, MAY 01, 2021**

**Subject: Request the Government to Promote Labour Rights and Social Protection to Ensure Workers’ Livelihoods’**

On this, the 135<sup>th</sup> Anniversary of International Labour Day, we, the undersigned representatives of trade union confederations, federations and associations working to promote labour rights and fundamental freedoms in Cambodia, would like to take the opportunity to acknowledge this highly important day. Although we cannot gather together as we ordinarily would today, we still maintain the spirit of this day and the importance that it has to workers not only in Cambodia, but across the world.

The COVID-19 pandemic, and in particular the recent outbreak, has been devastating for Cambodian workers. Garment workers at more than 200 factories have tested positive for the virus. Tourism sector workers in provinces such as Banteay Meanchey, Svay Rieng and Battambang have been excluded from Government allowance programs, despite the Ministry of Tourism specifically acknowledging the hardships they’ve faced. The current lockdown and associated restrictions also pose major challenges for workers in making ends meet, with many reporting struggles in paying utility and accommodation or rental rooms costs as a result of significantly lower income received during the lockdown. Whilst some banks and microfinance institutions have implemented measures to soften workers’ financial struggles, we continue to see instances of suspended and laid-off workers demanded to make debt repayments they simply cannot afford to meet in periods when they have no, or significantly reduced, income. On these issues, the Government can and must do more.

Most disappointing of all, though, has been the responses of many employers and international brands in the textile industries to the pandemic. Often, employers have sought to capitalise on the crisis by calling for and implementing wage cuts, instituting mass lay-offs and targeting independent trade union leaders and activists. Brands, meanwhile, cancelled orders and demanded both reduced prices and delayed payment terms. In both 2020 and 2021, seven Cambodian

textile union federations sent letters to more than 40 international brands, calling on them to better support workers during the COVID-19 pandemic; all refused.

The refusal of international brands in the textile sector to provide any meaningful aid to Cambodian workers reflects a broader trend of brand inaction during the pandemic. They have consistently failed to intervene in cases involving the dismissal, discrimination or harassment of independent trade union members, leaders and activists. On this, our thoughts lie with our brave brothers and sisters at Tripos International (Cambodia) Co., Ltd., who have been constantly subjected to threats and harassment from management since forming their union, as well as with our brothers at Roo Hsing Garment Co., Ltd., who were unjustly dismissed more than a year ago now. The Cambodian trade union movement will always remember both H&M and Clarks' failure to intervene on behalf of these workers.

The Government's response to the pandemic should also be noted. More than 320,000 workers have received Government allowances during periods of employment suspension, a program which can be used as a model for further social protection programs in Cambodia. Over 1 million people have been vaccinated in Cambodia already and the work that has been done by the Government on both of these points specifically must be acknowledged. Nevertheless, the Government has failed workers in a number of other priority areas. Proposed amendments to the Labour Law would cut night workers' wages, as well as take away more public holidays for all workers. On top of all this, the number of cases heard by the Arbitration Council have dropped by more than 40% as Ministry of Labour officials repeatedly exceed their legal mandate and refuse to forward collective labour disputes to the Arbitration Council for resolution. The recent announcement surrounding the creation of labour courts adds weight to the view that the Cambodian Government is deliberately attempting to undermine and negate the power and jurisdiction of the Arbitration Council.

The undermining of the Arbitration Council has been effected by the Ministry of Labour, or in some cases, individual officials, issuing regulations and letters on various matters which go against long-established Arbitration Council interpretation. For example, a letter issued by Ouk Chanthou to an employer federation in February 2020 has resulted in workers losing collectively hundreds of thousands of dollars in severance owed to them under the Labour Law. Workers are unable to find justice at the Arbitration Council on this issue now as the Arbitration Council claims to lack jurisdiction to decide the issue.

Our position is that sustainable economic recovery in Cambodia following the pandemic requires law and policy amendments aimed at promoting, expanding and guaranteeing workers' rights and freedoms rather than further stripping them away. Prior experience not just in Cambodia, but across the world, shows that cutting workers' penalty rates does not provide any net benefit to workers or their rates of employment and instead merely boosts employer profits at the expense of both consumer spending and tax revenue. Simply put, the Government needs to put more money into workers' pockets to stimulate the economy.

With all of the above issues in mind, we, the undersigned representatives of Cambodian trade union confederations, federations, associations, and civil society organizations is strongly hope that the government will pay highly attentions to our following requests;

1. Abandon the current planned amendments to the Labour Law and conduct genuine tripartite dialogue with independent trade unions on new amendments.

2. Issue official clarifications reminding employers of their obligations to pay workers' severance according to the Labour Law and not the personal interpretations of ministerial officials.
3. Amend the Law on Trade Unions to bring it into line with International Labour Organisation core conventions, particularly on provisions with respect to union formation and registration and representation of members in dispute resolution.
4. Abandon the current planned formation of labour courts and work with all stakeholders to properly empower the Arbitration Council as an independent and impartial body tasked with resolving labour disputes.
5. Extend the current Government suspension allowance scheme to all tourism, entertainment, service workers and construction workers across Cambodia, with a view to extending it to all workers in Cambodia.
6. Implement further social assistance programmes for workers in need during periods of lockdown including free or reduced electricity and water utility fees.
7. Extend maternity benefits and health care schemes to all workers suffering employment loss or suspension during government-imposed lockdowns.
8. Provide full wages and benefits to employees affected by government-imposed lockdowns including quarantined workers imposed by the Ministry of Health
9. Establish equity funds to provide income support to informal economy sector workers affected during government-imposed lockdowns.
10. Request to the government shall pay for service fee for workers that undertaking Covid-19 test at private clinics authorized by Ministry of Health and all expenses should be covered by Health Care Scheme of NSSF.

**We appreciate for your highest consideration and attention to our requests.**