

Ministry upholds firing of union leader, activist at Siem Reap factory

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An employee of Pactics factory holds a sign calling for the reinstatement of two union leaders during a strike on September 1 in Siem Reap. Panha Chhorpoan



The Labor Ministry on September 11 upheld the decision by Pactics garment factory management to fire a union leader and union activist in June, saying the dismissals were legal.



Touch Kosal, president of the Cambodia Tourism Workers' Union Federation, confirmed that the ministry had decided to uphold the terminations after a dispute between the union and owners had led to more than a week of strikes starting in late August.



"Labor Minister [Ith Samheng] agreed with the decision of the provincial labor department to support the factory in firing a union leader and a union activist," Kosal said.



Met Rath, president of the Employees' Independent Solidarity Union at Pactics and Ping Teav, an activist with the union, were fired in early June, after management said Rath had shared information that impacted the interests of the company and Teav had taken holiday without permission.

The provincial department had also ruled on June 30 that the factory's termination of the workers was fair, but union members disagreed, filing a complaint to the Labor Ministry on August 10.



Employees of Le Meridien Angkor Hotel pray on September 11 for the reinstatement of three union leaders who were fired in July. Panha Chhorpoan

He noted that workers of Pactics factory had suspended their strikes since September 5 at the request of the ministry and provincial authorities after the factory agreed to provide employees their full salary and said it would pay them seniority indemnity benefits in 2021 in line with a delay permitted by the ministry due to current economic circumstances.

"However, for one point, the factory refused to reinstate the two workers at the factory," Kosal said, adding that workers were now discussing their next steps.

He added that ministry and provincial labor officials did not seem to care about workers' demands regarding the union members.

"I think that for a resolution, they should just allow them to go back to work," Kosal said. "It should be OK because they did not really cause a big problem."

Nearly 400 of the factory's 500 workers began striking on August 28 to demand the reinstatement of Rath and Teav, whose union is part of the Cambodian Tourism Workers' Union Federation (CTWUF). They were also calling for their employer to provide back pay or reinstatement options for 80 other workers it had terminated due to the economic impacts of Covid-19 on Cambodia's garment industry exports. As of September 11, union representatives said some among the 80 had been re-employed at the factory.

Rath said earlier this month that he and Ping were fired in early June, days after he and a group of employees had filed a complaint to the Arbitration Council over the firings that took place in April.

Rath said September 11 that although some among the 80 workers have been allowed to return to work, it was unfair that he and Teav were still barred.

"I think that it is not justice because this mistake is not serious," Rath said. "I request the provincial department and labor minister should reconsider firing me and the other union activist, and allow us to return to work."

Provincial Labor Department Director Chan Sokhom Chenda said Pactics factory had followed the law in firing the two union members.

"Based on our inspection, the provincial labor department agreed with the employer's decision to fire two workers," Sokhom Chenda said.

He added that the provincial labor department's role is only to negotiate, and that the parties should follow the decision made by the ministry.

"I appeal to all relevant parties to receive the procedure of law," Sokhom Chenda said, adding that he hoped both parties would accept the current resolution.

Labor Ministry spokesman Heng Sour could not be reached for comment on September 11.

Khun Tharo, program manager at labor rights group Central, said it was unfortunate that the Labor Minister had agreed with the decision made at the provincial level.

"The Labor Minister's decision affects the freedom of the...union because he decided based on information from the Siem Reap provincial labor department," Tharo said.

He said other workers at Le Meridien Angkor Hotel and Cambodian Cultural Village were still striking and had yet to reach a solution.

"I have seen the inability of the provincial labor department to carry out labor inspections there," Tharo said, adding that officials at the department had also previously threatened striking workers.

"All decisions of the provincial labor department impact the interests of hundreds of workers and union officials," he said.

Tharo added he saw that department authorities were misusing their power as delegated to the provincial level by the labor law.

"The delegation of positions and roles provide power to the provincial labor department, but they use their powers incorrectly ... and they do not follow the procedure of law to hear the complaints of the unions," he said. "They need to receive justice and [the department] is prolonging the procedure."

In a second case of strikes in Siem Reap, Le Meridien Angkor Hotel employees are also still demanding hotel management reinstate three union representatives who they say were unfairly terminated in July.

The three activists with the Le Meridien Angkor Trade Union — Doeum Chhaya, Sok Naren and Kham Sreyphreak — were terminated for allegedly inciting workers via Facebook to support a smaller salary reduction. Employees have since held demonstrations outside the provincial labor department and the hotel

as meetings aiming to resolve the dispute have repeatedly broken down.

Ly Linda, president of Le Meridien Angkor Trade Union, said workers at the hotel had resumed strike action on September 9 because they have not received a solution.

“In the morning on September 9, I and other workers’ representatives went to meet with the general manager of the hotel to ask her to allow the three union activists to go back to work, but she still did not allow it,” Linda said, adding that workers decided to strike again that afternoon.

He also said that his employer was preparing a complaint to sue him for leading the strikes at the hotel.

“I appeal to Siem Reap Provincial Governor Tea Seiha and relevant parties to help solve this so that we can go back to work,” he added.

General Manager Sabreena Jacob said in a September 11 statement that she stood by the decision to dismiss the three workers.

“We are disappointed with the actions of three employees who recently chose to organize multiple illegal strikes, instead of having discussions with us when invited to do so,” she said. “Despite being informed by the hotel and the governmental authorities that their actions constitute illegal activities, the three employees continued to participate in the illegal strikes.”

596 views

 garment worker, Siem Reap

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