

Arbitration Council will not consider demands of laid-off NagaWorld's workers

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NagaWorld facilities have been quieted by pandemic conditions, but the casino company's mass layoff of employees continues to raise a stir. Photo taken September 10, 2021. CamboJA/ Pring Samrang



The Arbitration Council on Friday rejected consideration of the demands of 373 laid-off NagaWorld workers who had sought to counter the casino company's mass layoff strategy.



The decision means the council will not intervene to prevent the layoffs, which NagaWorld first announced on April 8. However, on Friday the council did order NagaWorld to properly calculate severance packages and other benefits for these workers, a group that includes many union members and leaders.



The group represents the last holdouts of the mass layoff, which saw NagaWorld release 1,329 employees, almost one-sixth of its previous workforce total of about 8,000 people.

Chhim Sithar, 32, is the president of the casino company's Khmer Employees' Labor Rights Support Union. She is one of the 373 laid-off workers who have resisted their severance to continue the fight to save their jobs.

Sithar told CamboJA the council's Friday decision was a failure of judgment.

"Justice was delayed," she said, adding that the council didn't say whether workers were right or wrong in their dispute.

"Where can we find justice? Because the Arbitration Council does not dare to say," Sithar said.

The casino company has cited the economic effects of the COVID-19 pandemic as reason to downsize its workforce, stating that public health restrictions had hurt business operations for nearly a year before the temporary closure in March of the company's facilities.

But many of the laid-off staff reject this premise, pointing out that NagaWorld has remained profitable despite closures. These workers believe the staffing cut is mostly intended as an opportunity for management to eliminate resistance from NagaWorld's union, which has historically shown to be an effective bargaining force.

Casino management refused to negotiate with the union to structure the mass layoff, which included about 600 union members. In June, 73 civil society organizations issued a joint statement to reject the mass layoff, labelling the downsizing as a clear attempt to bust the casino company's union.

Now, Sithar is urging NagaWorld to recalculate the severance packages for those who had already accepted compensation as part of their layoff, saying that these packages had been calculated incorrectly. She also dismissed NagaWorld's argument that the layoffs were purely motivated by economics, saying that the challenge to the union presented by the staffing cut would pose a risk to the casino company's workforce as a whole.

"We demand the company allow workers who do not receive the compensation to return to work," Sithar said.

Laid-off NagaWorld worker Klaing Soben, 41, also believed the layoffs were motivated more by internal labor politics than economics. Soben is one of the 373 hold-outs of the mass layoff.

"They want to get revenge against the union, so they released our names for layoff," Soben said. "They abused arbitrarily without respecting Cambodian law."

Some young workers can find other jobs, she continued, but companies aren't accepting older workers such as her, especially during the recession caused by COVID-19. Now, Soben is staying home without a job, instead taking care of her family.

"I rely on my husband to find income to feed the whole family," she said.

Her family needs to pay off a loan of \$5,000 taken for home repairs in installments of \$250 every month. Soben said that the compensation she was offered as part of her layoff was considerably less than what it should have been given her seniority at NagaWorld.

"That's why I do not accept it," she explained, adding that NagaWorld should not be allowed to circumvent labor laws just because it is a powerful company.

Fellow laid-off NagaWorld worker Toy Khengpolrith, 52, also said the amount offered to him as compensation was insufficient given his time with the casino company. At any rate, he says he'd rather have a job than a one-off payment.

"I don't want money, I want to work because I am too old to find another job," Khengpolrith said.

He hasn't found another job yet after receiving a termination notice from NagaWorld, and he said it's been hard for him and his family to make a living during the pandemic. His wife also had a baby just five months ago which has added expenses to the family budget, and though Khengpolrith said former coworkers have done some fundraising to help his family, it's still a struggle to get by.

Labor experts say the decision of the Arbitration Council have not decisively ended the layoff fight at NagaWorld.

Khun Tharo, a program coordinator with the labor rights group Central, said Friday's development is not clear and has delayed a conclusion to the ongoing conflict.

"It stands to lose benefits for employees rather than employers because the employers have eliminated workers already," Tharo said. "If they delay the procedure for a long time, workers will lose a lot of their benefits because they cannot return to work [in the meantime]."

He added that both parties have not lost their case just yet but must await a decision of the labor inspection department of the Ministry of Labor. Tharo urged the department to work with urgency in its decision-making process to determine whether NagaWorld is within its rights to conduct the mass layoff.

Neither NagaWorld human resources chief Hein Dames nor Labor Ministry spokesman Heng Sour could be reached for comment. **(Additional reporting by Sam Sopich)**

867 views

Arbitration Council, Ministry of Labor, NagaWorld

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