



# Unions boycott discussion on Labor Law amendments

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Labor Minister Ith Samheng presides over a meeting to discuss proposed amendments to the Labor Law on September 15 in Phnom Penh. Panha Chhorpoan

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Several unions and federations boycotted a meeting with garment industry and government representatives on September 15 to discuss amendments to the Labor Law that the unions say will harm the interests of garment and footwear industry workers.

Mann Seng Hak, vice president of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), said that after holding a meeting on September 14, six independent unions and union federations agreed to boycott the meeting with Labor Ministry and Garment Manufacturers' Association in Cambodia (GMAC) representatives.

"We did not attend the meeting because we are unhappy with their disregard for workers' interests," Seng Hak said.

The unions had taken issue with the revisions to articles 144 and 162, which would reduce the amount workers are paid for night shifts and holiday pay, he said.

"Article 144 related to night shift work was amended once in 2007 from 200 percent to 130 percent [pay] and now in 2020, they want to amend it again from 130 percent to 100 percent, so it will be a lost benefit," Seng Hak said.

A second amendment to Article 162 regarding holiday pay would mean that if a public holiday falls on a Sunday, which is the typical day of rest for garment workers, employees would not get extra pay for that day, he explained.

"We want the Labor Ministry to drop the amendments and keep the 130 percent of minimum wage for night shifts," Seng Hak said.

The six union groups that joined the boycott include the Collective Union of Movement of Workers (CUMW), Cambodian Labor Confederation (CLC), Coalition of Cambodian Apparel Workers' Democratic Union (CCAWDU), Cambodian Alliance of Trade Unions (CATU), Confederation of Cambodian Worker Movement (CCW) and FTUWKC.

In a joint statement on September 14, the six union groups said they had attended two previous tripartite meetings on the amendments on January 16 and July 21 this year, and on both occasions had demanded that the ministry drop the proposed changes.

The Labor Law was created in 1997 and was most recently amended in 2018, when severance pay for undetermined duration contracts was eliminated. The latest revisions to Articles 144 and 162 were originally suggested in January.

CATU Secretary-General Mey Sopheaktra called on the ministry to delay the proposed revisions, as many garment workers are already struggling financially due to factory suspensions resulting from the global spread of Covid-19.

"Nowadays, we have observed that our workers have been hit with serious impacts including work suspensions, factory closures, and loan repayments to banks or microfinance institutions," he said.

"About 80 percent to 85 percent of workers owe money to the bank," he said, adding that factory owners have not been responsible for their employees' incomes while their factories have been temporarily closed.

According to a September 15 post on the Facebook page of the Ministry of Labor, Minister Ith Samheng said that the ministry had conducted research to determine whether the proposed amendments were economically and socially practical.

"The adjustment of the night wage rate is to create and increase more employment opportunities for the Cambodian people and contribute to the development of the Cambodian economy. This point of amendment does not affect the interests of workers who work part-time night shifts, as this point only applies to workers who work night shifts on a regular basis," Samheng said in the statement.

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He also defended the amendment to Sunday holiday pay, saying the change would enhance Cambodia's competitiveness in the labor market, which would generate more investment and facilitate development. The post said Cambodia still has fewer working hours annually than any other country in the region.

After the September 15 meeting, the ministry would forward the draft law to the inter-ministerial committee in order to get the necessary approval to forward it on to the National Assembly, according to the social media post.

GMAC Secretary-General Ken Loo, who attended the meeting, said feedback was presented by all relevant parties during the discussions presided over by Samheng.

He noted that any unions who did not attend the meeting had forfeited their right to provide comments on the proposed changes.

"This meeting was to provide comments, and if they do not use this opportunity to provide comments, it means that they lost their right to," Loo said, adding that only a few unions decided to skip the talks.

He said that GMAC was supportive of the amendments as a way for Cambodia to develop.

"Our employers think that the changes the ministry raises are a good idea," Loo said.

He said that reducing pay for night shift work is important so that employees who feel working at night is dangerous do not feel extra pressure to take on the job, and those who do will receive equal pay to day shift workers. This way, Loo said, employers can provide additional benefits if it is necessary to incentivise the job in the event that they are unable to find workers.

"Unions and workers need to understand, it does not mean that any workers will lose benefits because at the [current] 130 percent salary, there are not many workers who will take the night shift but in the future, when they amend the law, it could draw more workers to the night shift," he said.

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

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+ (855) 23 88 23 11

editor@cambojanews.com

#19, St. 388, Sangkat Tuol Svay Prey I, Khan Boeung Keng Kang, Phnom Penh.

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