

សហជីពសេរីកម្មករនៃព្រះរាជាណាចក្រកម្ពុជា

FREE TRADE UNION OF WORKERS OF THE KINGDOM OF CAMBODIA

អាសយដ្ឋាន : ផ្ទះលេខ ១៣B, ផ្លូវលេខ ២៤០, សង្កាត់ជ័យជំនះ, ខណ្ឌដូនពេញ, រាជធានីភ្នំពេញ, ព្រះរាជាណាចក្រកម្ពុជា

Address : House # 13B, Street 240, Phnom Penh, Kingdom of Cambodia.

Phone : (855-12) 852 205 / Tel & Fax : (855-23) 217 015 / Fax : (855-23) 210 137

“យុត្តិធម៌សង្គមជាគ្រឹះនៃសន្តិភាព”

“ Social justice is the foundation for peace ”

Contact: Chea Vichea (023-217-015) or Sok Pheng (012-846-480)

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PHNOM PENH COURT REJECTS WORKERS' COMPLAINT FAVORS OWNERS IN IGNORING LABOR LAW

The Phnom Penh Municipal Court has rejected a complaint by six workers against the Sin Lan Ho garment factory for illegally forcing them to do manual labor as a punishment for participating in protests in February 1998. The workers are represented by the Sam Rainsy's Law Office, which filed the suit in March 28, 1998. The court did not respond until December 31.

Article 369 of the 1997 Labor Law prohibits employers from punishing workers for their role in protests by changing their jobs, after the protest is resolved, and says that the factory should be fined an amount equal to 61 to 90 days' worth of the worker's salary and the employer should receive 6 days to one month in prison. Article 333 also forbids owners from punishing workers for protesting. Both provisions were cited in the complaint.

Ms. Som Ounly, Ms. Oeun Chantrea, Ms. Srey Kunthy, Ms. Ven Borith, and Ms. Yos Sophirun had worked as sewing machine operators. Mr. Man Senghak was a box packer in the warehouse. They took part in protests organized by the FTUWKC on behalf of workers from many factories who were being paid late and/or at less than the legal rate. The protests were held at the US Embassy, because the US has given MFN and GSP trade preferences to Cambodia. A US trade delegation is scheduled to visit Cambodia on January 21 to assess labor conditions and conformity with the Labor Law, a requisite for GSP status.

After the dispute over wages was resolved in February, only the Taiwanese-owned Sin Lan Ho company refused to give its workers who protested their jobs back. It immediately sent them to work cleaning toilets, hoeing and digging, breaking rocks, etc. The workers believe the factory was trying to humiliate them and force them to quit by making them do harder, dirtier jobs than they were hired to do. After a week, angry Sin Lan Ho workers staged another protest at the factory itself. The owners fired the eight workers who were elected, during the protest, as temporary union representatives. The six workers who were being punished already were among the eight fired.

The court receptionist initially refused to accept the complaint against Ma Mong, the factory manager, until Sam Rainsy arrived in person. In an official note dated October 7, but not delivered to Sam Rainsy's Law Office until December 31, the prosecutor, Chhin Chiva, made the decision not to prosecute, explaining that the factory rule was that management can change a worker's job, apparently ignoring the Labor Law, which should legally take precedence over a factory rule. In addition, the factory rules themselves have never been approved by the Ministry of Labor as required by Article 24 of the Labor Law. Some other provisions of the factory rules also violate the Labor Law, such as a rule allow only two Sundays a month off.

The workers plan to file an appeal to the Appeals Court in Phnom Penh. The FTUWKC feels that the handling of this case clearly shows that the Cambodian courts are not enforcing the Labor Law and are effectively colluding with the factory owners to prevent workers from defending their own legal rights. We hope that the US delegation takes note of this case when considering whether Cambodian factories deserve to benefit from GSP status.