

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

ITUC OnLine
004/100611

Spotlight interview with Ath Thorn (CLC/CCAWDU-Cambodia)

"Export companies use subcontractors to avoid complying with the labour legislation"

Brussels, 14 June 2011 (ITUC OnLine): In Cambodia, one of the countries denounced in the latest ITUC Annual Survey of Violations of Trade Union Rights (<http://survey.ituc-csi.org/Cambodia.html>), over 800 workers were dismissed following a massive strike in the textile industry in September 2010. Ath Thorn, president of the Cambodian Labour Confederation (CLC) and the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), exposes the tactics used, such as yellow unions and short-term contracts, to stop workers from organising. He is also appealing for international pressure to secure the reintegration of the workers dismissed and to stop the lawsuits against their union representatives.

What are the main obstacles to the free exercise of trade union activities in Cambodia?

The use of short-term contracts is the main anti-union tactic deployed by companies. When we organise a union in a factory, the employers tend not to renew our members' contracts. Misconduct is sometimes used as the pretext for not rehiring them. It is the employers' way of showing their opposition to the union, without openly stating it.

The use of short-term contracts also allows employers to avoid paying seniority bonuses and maternity leave (as pregnant women are not rehired). Some workers are employed for three months then have to stop work for a day before being rehired for another three-month period. These three-month contracts can succeed one another for years on end.

Another problem is that unions close to the government or yellow unions are able to register without any difficulty, but not independent trade unions. Some of our unions are forced to wait for over a year to be registered whilst yellow unions are registered within one or two days.

How do the authorities justify such unequal treatment?

When we hold union elections and try to register our union with the Labour Ministry, some companies collude with the ministry to dig up the slightest little error in the registration procedure. By law, the registration procedure should be completed within two months, but just before this period expires we receive notification of an error in the name, age or address of a representative, for example, and we have to start the process all over again. They wait for two months to point it out to us, and since this can happen five times or more, the process can end up being delayed for a year. The ministry pays no attention to such errors in the case of yellow unions. The registration process can also be delayed on the pretext of some complaint or another filed by the company.

What proportion of workers is employed on fixed-term contracts?

All Cambodian firms use short-term contracts. Only those producing for export employ a portion of their workers on long-term contracts, but this only applies to as little as 10% of the country's workforce. In the clothing sector, which is the largest private employer with 370,000 workers (450,000 if we include the subcontractors operating outside of the law), around 60% of employees are hired on short-term contracts.

Better working conditions is one of the cases put forward by Cambodian clothing factories to attract orders from major international brands. What is the reality on the ground?

There are over 500 companies in the clothing sector in Cambodia. Around 10% fully respect the labour legislation, around 40% respect it partially, and 50% not at all. This 50% corresponds on the whole to subcontractors, which block any attempt to form a union and sometimes employ child labour, home workers, etc. Export companies use subcontractors, without revealing their existence, to avoid complying with the labour legislation.

In Cambodia, a company cannot export if it does not have a licence. The companies that are licensed have to agree to be supervised by the ILO's Better Factories (1) programme, which monitors their working conditions. There are currently around 300 companies under ILO supervision... but over 200 are not. These 200 factories are subcontractors. In many cases, they do not even have a name. They transfer their production to the main company, which exports it all around the world, for customers such as Gap, H&M, Inditex, etc. The official line taken by these brands is that they have no knowledge of such arrangements, or that their suppliers do not use subcontractors, but they must know: when their supplier employs 3,000 workers and manufactures much more than this labour force is able to produce, there has to be a problem. Some companies use as many as twenty subcontractors.

In September 2010, your union organised one of the biggest strikes ever seen in Cambodia, with over 200,000 workers taking to the streets. What was the context behind it?

A survey (2) carried out by the Cambodian Institute of Development Study (CIDS) in conjunction with the ITGLWF's regional organisation for Asia calculated that a living wage for a worker in Phnom Penh was US\$93. Yet the minimum wage in the clothing sector was only US\$50. During the negotiations within the Labour Advisory Committee in 2010, we put forward the figure of US\$93, but the employers proposed only US\$55, in other words, the same increase of five dollars obtained during negotiations in 2000 and 2006. With the subsistence allowance of six dollars granted during the economic crisis in 2008, the figure proposed reached US\$61. The seven employers' representatives, the 14 government representatives and five out of the seven trade union representatives on the committee agreed to this minimum wage of US\$61. Only my union and the Cambodian National Confederation (CNC) opposed it, as the increase was not in line with the findings of the survey and, above all, workers cannot live on such a wage. The Labour Advisory Committee also adopted a clause whereby we could not negotiate another increase in the minimum wage before 2014, which contravenes the legislation.

We published a communiqué announcing our refusal to accept the Labour Advisory Committee's decision, but we could not go any further without the workers' approval. So we organised a forum to consult around 5,000 workers across the country, who came to join us in Phnom Penh. They authorised us to call a strike if the employers and the government refused to increase the pay rise. We also collected 80,000 fingerprints from workers supporting the strike. I wrote to the government and the GMAC (Garment Manufacturers' Association) to ask them to renegotiate, but they wanted to stick to the decision of the Labour Advisory

Committee, on which most of the unions are yellow. So we staged a general strike, from 13 to 16 September. On the first day, around 60,000 workers joined us, on the second, around 110,000, and on the third, over 200,000 joined. Given this mass support, the government agreed to renegotiate on the proviso that we end the strike.

Was it difficult to bring 5,000 workers together for a union meeting in Phnom Penh?

The CCAWDU has 47,000 members and the CLC 63,000 members. We were expecting over 5,000 workers to take part in the forum but the police blocked the access to the Wat Botum Park where it was supposed to be held. Those who came were highly motivated, they crossed Phnom Penh on foot to meet us at the place we had arranged at the last minute.

Did you receive any threats over of the strike?

On 17 and 28 August, two of my colleagues received anonymous phone calls issuing threats against me. In the call made on 28 August, the person said: "Warn your boss not to get too strong, to watch out."

Was repression used during the strike?

The police, the local authorities and members of yellow unions used violence against the striking workers. Several people were injured. After the strike, 25 factories dismissed or suspended over 800 workers for having taken part in the strike. The highest authorities in the country (including the prime minister) and a number of major international brands called for the workers' reinstatement, but there are still 141 workers from 13 factories that haven't been able to return to their jobs as yet. The employers have moreover filed lawsuits against union representatives, demanding compensation for the losses linked to the strike. We are calling on our international partners, such as the ITUC, to keep up the pressure to ensure that all the workers are reinstated and the companies drop the court cases.

The strike also prompted many workers to want to join the CCAWDU, much to the annoyance of their employers. Such was the case at the United Apparel Garment factory, where workers affiliated to the Independent and Democratic Union Federation (IDUF) decided to leave this federation, considering it to be too close to the employers, and to join the CCAWDU, in November 2010. Shortly after this switch in affiliation, the union representative, Sous Chantha, was arrested at a military police roadblock whilst making his way home by motorbike. On searching his motorbike, the police found nine small packets of pills under the seat. Sous Chantha was arrested and remanded to custody for drug trafficking. He is due to appear in court on 24 June 2011. We are convinced that this is a put-up job aimed at punishing Sous Chantha for having switched affiliation. There are, moreover, several inconsistencies in the military police report.

Were you able to negotiate a pay rise?

The employers refused to renegotiate the minimum wage set by the Labour Advisory Committee. In March 2011, we did, however, manage to secure an agreement on a rise in the bonuses linked to seniority and regular attendance at work, plus an increase in the food allowance when workers do overtime. These increases represent an extra US\$10 on top of the basic wage.

Interview by Samuel Grumiau

(1) See <http://www.betterfactories.org/> and Union View: Cambodia: The government and employers complicit in undermining union rights: <http://www.ituc-csi.org/cambodia-the-government-and.html?lang=en>

(2) The survey can be consulted at
http://www.fes.or.id/fes/download/Survey_Result_Cambodia.pdf

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