

# Labour Law Reform Coalition

(c/o : National Union of Transport Equipment & Allied Industries Workers' (NUTEAIW))  
No. 30A, Jalan Utas A, Seksyen 15, 40000 Shah Alam, Selangor Darul Ehsan, Malaysia.  
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17 January 2022

Samdech HUN SEN  
The Prime Minister  
The Kingdom of Cambodia  
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Phnom Penh  
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Honourable Prime Minister,

The Labour Law Reform Coalition of Malaysia is writing to express our extreme concern about the arrest of the leaders of Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU) and the raid of the union office in December 2021. The LRSU is leading an on-going strike over the mass retrenchment at Nagaworld Casino in Phnom Penh. Between 31 December 2021 and 4 January 2022, 29 members and activists of the LRSU including the union chair, Chhim Sithar had been arrested. They are now under pre-trial detention pending a trial of incitement charges under the Cambodian Penal Code.

The labour dispute at Nagaworld stems from the long-standing failure of the management of NagaWorld Integrated Resort to respect the right of workers to freely organize under the LRSU and bargain collectively for better wages and working conditions. The company has not abided by the government's policies on job, safety and health protection under the Covid-19 pandemic. Without observing trade union consultation on retrenchment required under the Cambodian Labour Law, 1,329 workers have been laid off and 1,100 of them are trade union members. The Ministry of Labour and Vocational Training (MoLVT) has been failing to enforce the legal protections for Nagaworld workers.

We are deeply disturbed by the authorities' handling of the current labour dispute at Nagaworld. The arrests and undue interference of the authorities in the legitimate strike of LRSU has created a chilling effect amongst our members and workers in Cambodia as whether their legally entitled and internationally respected rights to freedom of association, collective bargaining and peaceful assembly can be fully protected without being criminalized.

The decision of the LRSU to go on strike on 18 December was adopted overwhelmingly by 97 percent of the members and notification was sent immediately to the management and the relevant authorities including the MoLVT in November 2021. The right of the LRSU to continue the strike, after observing the strike procedure

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in the law and after the failure of both parties to reach an agreement in labour arbitrations and the government-convened mediations since December, is guaranteed under the Cambodian laws.

We recall here that strike and labour protests, as an essential means for workers and their trade unions to defend their economic and social interests are legitimate rights protected under ILO Convention No.87 on Freedom of Association (para 753, [Compilations of Decisions](#), ILO). The authorities should refrain from disrupting a labour strike and a peaceful labour protest with the exception in an essential service which the casino and entertainment business in this case could hardly justify.

Since 18 December, nearly 1,000 workers have joined the strike. They take turns to sit outside the company and disperse orderly in the evening. It does not conform with the principle of freedom of association for the authorities to use criminal laws to declare the LRSU's strike an illegal one as peace has not been breached since the strike began.

We condemn the arrest of 29 striking unionists as of now. Nine of them have been charged of incitement under the Cambodian Penal Code on 3 January 2022, and 8 of them remain under detention.

The union leaders and the solidarity support extended to the union were vilified by the police during the police press conference on 4 January 2022. Police trucks, uniformed and plain-clothed police are present amongst the protesting workers to surveil, harass and intimidate them.

We must recall again that no one should be penalized for carrying out or preparing to carry out a legitimate strike, and workers should enjoy the right to peaceful demonstration to defend their occupational interests (Para 953, 208). The government of Cambodia has obligations to observe the request concluded by the Committee of Application of Standards on Convention No.87 at the 109<sup>th</sup> International Labour Conference in June 2021, and take all necessary measures to stop arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity. The Committee has further asked the government to bring the policing and handling of industrial and protest actions into compliance with the Convention with the technical assistance of the ILO.

As the rotating Chair of the ASEAN, we have expectations that the Cambodian government could promote within Cambodia and at the ASEAN level, respect and compliance with international labour and human rights treaties especially the ILO Convention No.87, 98 and the ICCPR and not the otherwise.

We therefore urge the Cambodian government to immediately release the detained unionists and drop all the charges against them without attached conditions. Vilifications against the LRSU leaders and intimidations against the peaceful

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protesters outside Nagaworld casino by the police and the authorities must cease. We further urge the MoLVT and the Phnom Penh authority to respect the decision of the union and their members, ensure good faith bargaining as well as protection of the rights and civil liberties of the protesters until an agreement has been reached between the two parties.

Any query please contact Yap at 019-8889687. Thanks.

Yours sincerely,

N. Gopal Kishnam & Irene Xavier

Co-Chairpersons

Labour Law Reform Coalition (Malaysia)

<https://tradeunion.org.my>

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*Note : Labour Law Reform Coalition is endorsed by 58 Trade Unions from various sectors and worker organisations. The group started in June 2018 to initiate discussion on labour law reform based on ILO's decent work framework. The coalition had submitted proposals of reforming Employment Act 1955, Trade Union Act 1959 and Industrial Relations Act 1967 in January and May 2019 respectively.*

*Gopalkishnam Nadesan is the General Secretary of National Union of Transport, Equipment and Allied Industry Workers (NUTEAIW), he is the former Secretary-General of Malaysian Trade Union Congress. Irene Xavier is a veteran social activist who founded Persatuan Sahabat Wanita Selangor, she has been fighting for the rights of women workers for decades.*