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Prime Minister
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Dear Prime Minister,

Arrest and detention of Cambodian union leaders and members

On behalf of the Australian trade union movement, I am writing to express our extreme concern about the arrest of the leaders of Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU), the raid of the union office in December 2021, and the ongoing harassment and intimidation of striking workers. The LRSU is leading an ongoing strike over the mass entrenchment at NagaWorld Casino in Phnom Penh. Between 31 December 2021 and 4 January 2022, 29 members and leaders 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 organise 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.

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 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 are deeply disturbed by the authorities' handling of the current labour dispute at Nagaworld. We condemn the police raid of the LRSU's office and confiscation of the union documents, computers, the leaders' mobile phones on 31 December, and the arrest of 29 striking unionists. At the time of writing, nine of them have been charged of incitement under the Cambodian Penal Code on 3 January 2022, and 8 of them remain under detention, namely, the union chair Chhim Sithar; union secretary Chhim Sokhorn; union advisor Sok Narith, and union activists, Ry Sovandy, Sun Sreypich, Hai Sopheap, Klaing Soben, Touch Sereymeas. UN Human Rights Experts have condemned the arrests and pointed out that the Cambodian authorities' use of penal sanctions against the peaceful workers during the strike constitute violations of the rights to freedom of association, speech, and peaceful assembly.¹

Your Government has obligations to observe the request concluded by the ILO Committee of Application of Standards on Convention No.87 on the right to Freedom of Association and Protection of the Right to

¹ UNOHCHR 'Cambodia: Arrests of strikers may amount to breach of human rights law – experts', 5/1/22, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28015&LangID=E>

Organise at the 109th 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 your Government to bring the policing and handling of industrial and protest actions into compliance with the Convention with the technical assistance of the ILO.

We urge you to drop the charges against the union activists and release them immediately and unconditionally, and refrain from conducting further reprisals against them; and uphold your Government's obligations under ILO Convention 87, to ensure workers can exercise their right to freedom of association and the right to organise without fear of intimidation, harassment, arrest or prosecution.

Yours sincerely



Michele O'Neil
President
ACTU

CC:

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