



មជ្ឈមណ្ឌលអប់រំច្បាប់សម្រាប់សហគមន៍

COMMUNITY LEGAL EDUCATION CENTER

មជ្ឈមណ្ឌលអប់រំច្បាប់សម្រាប់សហគមន៍ ភ្នំពេញ ផ្លូវលេខ ១២៧ ផ្លូវលេខ ១២ ភូមិថ្មី សង្កាត់ដង្កោ ខ័ណ្ឌដង្កោ រាជធានីភ្នំពេញ ទូរស័ព្ទ: ០៩៣ ២១៥ ៥៩០ ទូរស័ព្ទ/ទូរសារ: ០៩៣ ២១១ ៧២៣ ប្រអប់ប្រៃសណីយ៍ ១១២០ ភ្នំពេញ
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Sent Via Email

Date: 24 December, 2014

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Open Letter

Deputy Treasurer of GMAC and Others Actively Engaging in Union Discrimination

To Whom It May Concern,

In October 2012, the Garment Manufacturers’ Association of Cambodia (GMAC) and Cambodian trade unions entered into a memorandum of understanding which provided that:

“In the absence of a collective bargaining agreement the parties shall agree to use the national dispute procedure and accept, where mediation is unable to resolve the issue, binding arbitration for rights disputes... Where an arbitration decision on dispute of rights is given, the employer and workers and their representatives accept that the decision is final and binding on them.”

The memorandum of understanding was in operation for two years.

However, Mr. Larry Kao holds the position of the Deputy Treasurer of the GMAC Executive Council¹ and as well as managing Manhattan Textile and Garment Corp,² a garment factory in Kampong Cham producing coveralls for American chemical giant, DuPont. After the nationwide strike in January 2014, Manhattan Textile terminated approximately 107 union leaders and active members of the independent trade union, the Cambodian Alliance of Trade Unions (CATU).

Following this, months of arbitration ensued. Arbitrators ruled decisively that Manhattan Textile had engaged in union discrimination. As such Manhattan Textile reluctantly reinstated many of the terminated union members to their positions.

On 9 May, 2014, the Arbitration Council issued a binding award (082/14) that ordered the company to reinstate union vice president, Mr. Phan Chany, union treasurer Mr. Peng Phalla and union activist, Thorn Singhua.

Again on 13 August 2014, the Arbitration Council issued a binding award (178/14) that ordered the company to reinstate union activist, Chieu Chea.

However, half a year later, Mr. Larry Kao’s Manhattan Textile refuses to accept the union leadership back to work despite binding arbitration awards and the memorandum of understanding that oblige the company to do so.

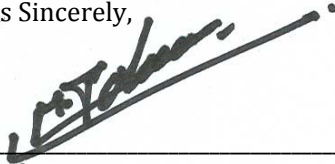
¹ <http://goo.gl/RIxble>.
² <http://goo.gl/iQyoCT>.

Further, the Arbitration Council (033/14) ordered payment of indemnity and severance for another three union members, none of whom have yet received this payment.

The lack of respect for the binding arbitration awards issued against Manhattan Textile is shows the extent of the company's intention to engage in blatant union discrimination.

We call for immediate reinstatement and payment in the aforementioned cases and remind all that based on the above mentioned violations the employer is potentially liable to a fine of sixty one to ninety days of the base daily wage and to imprisonment of six days to one month, or to one of the both penalties, as per Article 373 of the *Labor Law* (1997).

Yours Sincerely,



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