

Time for Regeneration? The Labour Movement in Cambodia

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On July 23, Cambodian will head to the polls, but there will be no surprises. Having eliminated opposition, Prime Minister Hun Sen is expected to cling to power. For workers, the [Cambodian government's continuing repression of the NagaWorld strike](#), and the arrest and sentencing of the union leader are a [testament to the grim reality for the labour movement](#). Beyond outright repression, independent unions face a host of legal and political hurdles in registering and organising, and pro-government unions dominate sectors such as garment. However, independent unions also need to overcome their own internal constraints and conflicts to build a more democratic and united movement.

I recently spoke to a number of trade union organisers and leaders in Cambodia, whose identities have been anonymised to protect them from retaliation. Drawing on these conversations, I will highlight a myriad of political and legal obstacles undermining unionising, but I also do not want to shy away from the internal issues that union organisers have observed and shared with me.

This includes being less top-down and more democratic, developing the skills and confidence of grassroots workers and local union leaders instead of depending on the federation leadership, and raising workers' class consciousness for a more radical movement. It is time to regenerate the movement. Without a greater degree of democracy and grassroots organising by confident and class conscious organisers, the unions will be stuck in weak position vis-a-vis the combined power of the state and capital. To counter state authoritarianism, the unions cannot afford to be its mirror image.

The Grim Reality

Over the last decade, garment workers in Cambodia have experienced an upsurge in strikes. In late 2013 and early 2014, garment workers went on strike en masse, demanding higher wages. [Clashes took place](#) between police and workers, with police firing into the crowds, leading to the arrests and death of several workers. While lacking a workers' party, the opposition party, the Cambodian National Rescue Party (CNRP) [won a number of seats in parliament](#) during the 2013 elections, with unions and workers having mobilised in support of and to campaign for the party.

The ruling party, the Cambodia People's Party (CPP), has since seen independent unions as a potential threat to their grip on power, given workers' ability to mobilise among themselves. The CPP amended laws and made it increasingly difficult for unions to organise, register, and represent their workers and restrictions were imposed on the right to strike. [The 2016 Trade Union Law mandates](#) that for workers to go on strike requires a quorum of 50% plus one member to vote to declare a strike. The Ministry of Labor and Vocational Training (MoLVT) is requiring more documentation to register a union. A technical error on the registration forms, such as a simple spelling mistake or incorrect spacing, could mean the registration is rejected. Unions must go through the laborious process of refilling out the required documents. Without registration, unions are prohibited from carrying out any activities.

Independent unions must also compete with pro-government unions, aligned with the ruling party when organising, recruiting and building their union membership on the shop floor. Pro-government unions or yellow unions are able to register relatively easily compared to independent unions.

At the workplace level, union-busting is rampant. Employers in the garment sector [increasingly use short-term contracts](#) (FDCs) to employ workers. [The law was recently amended](#) to allow short-term contracts up to four years, up from two years, and the use of FDCs has meant that employers can choose to terminate workers if they join a union. The government has allowed employers to suspend workers on the grounds of an economic crisis, mostly due to the COVID-19 pandemic, leading to the suspension of union leaders.

For unions that are able to register, it is difficult for them to represent their members during labour disputes. There have been cases where unions were denied from representing their members at the Arbitration Council due to their lack of Most Representative Status (MRS) (*author's note: MRS is a status provided to the majority union at a workplace and is given to unions that represent 30% or more of the workers at the workplace*). This leaves the member to argue their case in court themselves. Yet employers are able to employ lawyers and representatives to advocate their case.

The Arbitration Council in Cambodia is tasked with resolving labour disputes in the country. While the Arbitration Council's rulings are non-binding, it was once seen as an independent and neutral body, as it includes arbitrators who are selected by unions, employer associations and the MoLVT. But increasingly, the Arbitration Council has been [reluctant to rule on issues](#) that would contradict the MoLVT's interpretation of the law and have declined rulings based on "lack of jurisdiction".

Against this backdrop, how are Cambodia's unions and labour activists continuing their work in the struggle for workers' rights?

More Democracy and Grassroots Organizing

The signing of the Cambodia Labor Code in 1997 led to a rise in the formation of independent unions. Despite its 30-year history, the labour movement in Cambodia is inherently weak, especially at the local union level. This is not only the result of legal and political constraints. There are also internal contradictions within the Cambodian labour movement.

The union leaders I interviewed have stressed the need to have more union democracy, strengthen the abilities of grassroots workers and leaders, identify new grassroots activists, and ensure that local unions and workers are well-supported by the union federations.

The lack of democracy and dependency on the leadership within the unions hinders workers' engagement. A labour activist, A, hints at the "top-down" nature of independent unions among federation-level staff, especially in the garment sector, where the leader is seen to have an overarching role. Yet this high dependency on the federation, without a doubt, hinders the development of local unions' organising abilities, as they become dependent on turning to the federation and its leader to help address and negotiate issues at the workplace level.

This has led to garment workers sometimes joining unions without actively participating or engaging in the work of the union, and therefore may not have a strong understanding of what it means to be part of a union. During negotiations, A points to cases where federation-level staff play a dominant role in the bargaining committee. While the local union is part of the bargaining team, they are there just to "show up". This is the "difficult truth" that independent labour unions have to grapple with.

A points out that local unions need to have strong organising and negotiation skills, "We need to have a homegrown movement...[instead] we have federation level staff going to the national level to

organise workers...it seems like an externally arranged movement...by a small group of people". Unions must be democratic, and the concentration of power at the top, along with the lack of democratic processes within the union, has undercut the ability of local unions to function more effectively.

A stresses that federation unions need to make efforts to identify activists and provide training so that there are more activists on the ground, especially when handling issues and disputes at the factory. A sees it as a blessing in disguise regarding the new law prohibiting federation staff from representing their members in dispute settlement cases. It forces the federation-level union to train these workers so they can represent themselves in their cases.

Another union leader, D, similarly recognises that "a strong labour movement cannot just rely on a few current union leaders". They see the labour movement as not doing sufficiently enough to build the capacity of the new generation of union leaders. This is their union's focus. D reflects that many of the staff at their union are struggling to build confidence in workers to organise.

Given the difficulties for unions to organise and function, the union tries to build the capacity of the team by taking a two-layered approach: Building capacity at the federation level and the local union level. For local union leaders, the union builds their confidence in training rank-and-file workers and also in handling grievances that happen at the factory. Local union leaders also volunteer for the federation, so they can build their capacity in organising and training skills and answering any questions their members may have.

For federation staff, the union assesses each staff member to identify the training they may require, such as improving their skills to become a trainer, facilitator or organising activities. Staff also need the capacity to analyse the situation of workers so that they can engage with workers confidently in order to build trust. The lack of confident and skilled organisers is felt across independent unions in Cambodia. "We need people, strong organisers, campaigners and leaders to lead the fight", says D.

Building Class Consciousness

Organising also involves the development of workers' class consciousness. In Cambodia, one union in the service sector is devoting a lot of its resources to educate and raise awareness among workers on their working-class identity within the capitalist system and taking steps to build class consciousness. The union provides training to workers on globalisation with an analysis of the current global system in which they work. The union sees this as key to dispelling workers' fear of engaging in union activities and organising under the current climate.

To the union leader, J, having workers analyse the system they live in is the first step before discussing union organising. In their union training, before discussing unions or organising, they discuss workers' rights and issues they face at the workplace. The union then provides an overview of the labour laws, their relation to workers' rights and the collusion between employers and lawmakers. They make it clear that the laws have been amended over the years to exploit workers' rights due to employers' overwhelming influence over lawmakers.

As part of building an understanding of globalisation, the union equips workers with an understanding of the global political economy and key institutions, from the World Trade Organization (WTO) to free trade agreements that promoted trade liberalisation and increased worker exploitation. For J, workers need to have a clear understanding of who the working class is and who the employer is. "[Workers] need to understand who to fight with, [they should] not fight each other among the working class...their enemy is the employer", says J.

[Indebtedness is a widespread issue in Cambodia that impacts on workers](#). Cambodians hold the highest average microloan size in the world. Many workers remain in debt, which both D and J believe is an obstacle to organising. The situation of microfinancing and the reliance on debt has meant workers, at times, have to choose between their job or their rights to a union. J's union gives an analysis to workers that "Debt is an idea created [by] the capitalists... they just want to break the solidarity among workers".

Debt is part of the system to keep workers trapped, and the union provides an analysis related to debt for workers. It clarifies to workers that debt is a form of modern slavery, putting the workers in a precarious state where they are afraid to organise or go on strike because they will lose their job and affect their ability to pay off their debt.

For J, workers need this knowledge to critically analyse the world they live in and why they continue to be in the lowest rungs of society and are becoming poorer and poorer. Only then can they understand more fundamentally the importance of organising and joining unions. J recognises that fear keeps workers from engaging with unions, as employers usually threaten workers to be fired if they join unions. Coupled with the government's repressive tactics and anti-union propaganda, this makes workers even more afraid.

Many workers also shared with J that they've had bad experiences with unions. They have become disappointed with previous union leaders who struck deals under the table with employers or made compromises. But J believes building workers' consciousness and understanding will help overcome these obstacles. J thinks that workers shouldn't just trust a union leader; they need to trust their dream of what they want their society and country to look like and ultimately work towards that. Overwhelming trust in a single leader reproduces unequal power in the union. D has a "bold" proposal: union leaders need to have term limits so that "when you set your term, you ... think about the second generation".

When workers have developed this understanding and consciousness, they become better organisers in their community and workplace. It is one of the goals of J's union to nurture the next generation of social activists and change-makers. For workers to become active in the workplace, this analysis helps them come in with a very clear idea of what they are trying to achieve and an understanding that they are not only pursuing their own personal interests and that they are no different from workers from different countries. Building class consciousness takes regular and sustained engagement with workers to change their mindsets so they think about social issues and can also question their society and why it remains so unequal. "I think for trade union leaders like me... it is time for us to train other change-makers", says J.

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