

Top Thai union leader ‘targeted’ with jail for rail safety campaign

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Case is ‘major blow’ in country with weak workers’ rights and puts trade deals in question, says Human Rights Watch

One of Thailand’s most prominent union leaders is facing three years in prison for his role in organising a railway safety campaign, in a case described as the biggest attack on organised labour in the country in decades.

Rights advocates say the case involving Sawit Kaewvarn, president of the State Railway Union of Thailand, will have a chilling effect on unions and threatens to further weaken workers’ rights in the country.

Sawit, who is also head of the State Enterprises Workers’ Relations Confederation, the largest body of trade unions in Thailand, was convicted of omission of duties and sentenced to three years in prison last October. Twelve other national and local union leaders received the same sentence.

The group has been freed on bail and have appealed against the verdict, with a ruling expected soon.

Phil Robertson, deputy director of Human Rights Watch’s Asia division, said that the convictions would be “a major blow” to the Thai labour movement if they were upheld.

It could, he added, prompt the US to further suspend trade preferences for Thailand. In 2019, the US announced it would [halt \\$1.3bn \(£1bn\) in trade benefits](#), citing a failure to ensure labour rights.

“I think it would also raise some fundamental concerns both for the UK, and for the EU, who are trying to negotiate free trade agreements with Thailand: that it is impossible to do business with the Thai government without engaging in supporting an anti-union agenda,” said Robertson.

The case dates back to 2009 when seven passengers were killed, and dozens more injured, after a train derailment near Khao Tao station in Hua Hin, a seaside town 125 miles (200km) south of Bangkok.

A fact-finding panel, led by the State Railway of Thailand (SRT), blamed the train driver, who it said had fallen asleep.

It was the third derailment in weeks, and the union argued that faulty safety equipment had contributed to the disaster. It launched a health and safety campaign, calling on the SRT to fix what it believed to be broken machinery. Drivers refused to operate trains that they alleged did not have functioning safety features, such as “dead man’s switches” and vigilance control equipment.

In response, the SRT accused the union of organising a strike – which, as state enterprise workers,

they are forbidden from doing. It filed a lawsuit against 13 union leaders, including Sawit, which led to years of drawn-out negotiations and expensive litigation. Sawit was dismissed in 2011, and, though reinstated in 2014, was not compensated for the lost income.

In 2018, after the lawsuit was ended, seven of the national union leaders were ordered to pay 24m baht (£520,000) in fines and interest. The sum was to be deducted from their wages.

The verdict was financially devastating, but Sawit and the other union leaders believed the matter was, at least, finally closed. Then, in 2019, the National Anti-Corruption Commission (NACC) brought criminal charges against the group, just days before the statute of limitations was due to expire, according to Sawit.

Sawit was accused by the NACC of omission of duties and of causing a work stoppage with an intention to cause damage, and was sentenced along with the 12 others on 21 October 2020.

“It was not beyond expectation that they would try to attack me but I didn’t think it was going to be this hard,” said Sawit.

He said when the sentencing was announced last year, workers broke down and cried.

The various actions taken against the union workers have been condemned domestically, by the National Human Rights Commission of Thailand, and by international rights groups. The UN’s International Labour Organization has [repeatedly expressed concern over the cases](#).

Sawit has lost count of how much money he has lost in the lawsuit. Today, his monthly salary is only about 300 baht (£6.50) – just below the daily minimum wage in Thailand. Other workers have been forced to transfer ownership of their assets, fearing they will be seized. They have been unable to support their families or pay for their children to go to university. The union has estimated it will take a decade for the seven union leaders to pay the fines.

David Welsh, Thailand country director for the Solidarity Center, an international workers’ rights group that is advocating for Sawit and other union leaders, said the case, by criminalising basic freedom of association activities, would have a chilling effect on other workers.

“They are targeting the most senior figure in the trade union movement. The message to rank-and-file trade union members or leaders is: this is what we do to the most senior leader in the movement, regardless of outside pressure, national or international.”

A sample of 90 trains checked by the SRT at the time of the Hua Hin crash found the vigilance systems on 21 trains were damaged, according to data later cited by a National Human Rights Commission of Thailand report.

Sawit stresses that the campaign was simply calling for safer conditions for workers. “Safety is a human right, it is the employee’s right; we need to work in a safe environment,” he said.

According to one order seen by the Guardian, issued after the union’s health and safety campaign was launched, workers were instructed to drive trains even if the vigilance system or dead man’s switch was not working properly. Staff were told to place these notices in the driver’s cab.

The union said the family of a victim killed in the Hua Hin crash had successfully sued the SRT for failing to maintain safety equipment – a sign, it argued, that its campaign was in the public interest.

The NACC and SRT did not respond to requests for comment.

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The Guardian

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