



ILO'S STATEMENT ON TRADE UNIONS LAW IN CAMBODIA

For immediate release: Monday, 4 April 2016

ILO Statement

PHNOM PENH - The ILO Country Office for Thailand, Cambodia and Lao PDR takes note of today's decision of the National Assembly to adopt a Law on Trade Unions. The ILO Country Office takes this opportunity to recall some key milestones of the ILO's engagement with the government and the social partners on the development of the law, which began in 2008. Between 2008 and 2011 the International Labour Office provided assistance in drafting the legislation, providing extensive comments, and facilitating numerous tripartite discussions. The government at the time decided not to forward the draft law to the National Assembly.

In 2014 the government again requested ILO's technical assistance in resuming the drafting process. Discussions in various settings were held throughout 2014 and 2015. While some meaningful improvements were noted in subsequent drafts during that time, on numerous occasions the ILO drew the government's attention to several key concerns and gaps. These are mainly related to insufficient protection of the right of all workers and employers to freely set up organizations of their own choosing, and of the right of these organizations to decide on their internal matters without interference, as part of Cambodia's obligations under ratified ILO Conventions.

These concerns were also brought to the attention of some members of the *ad hoc* bipartite working group established in December 2015. They were raised again with the government in March 2016, at which time the ILO offered to meet with members of the National Assembly in order for lawmakers to fully familiarize with the country's commitments under relevant ILO Conventions, including Conventions No. 87 and No. 98.

In its advice to the government and other relevant partners, the ILO strongly emphasized the importance that should be attached to the consultation with the interested parties, and in particular with trade unions and employers organizations.

It is now vital for the government, together with unions and employers, to turn its attention to implementing in a fair and impartial manner the new law – the first such legislation since the adoption of the Labour Law in 1997. Effective tripartite consultations and even advisory mechanisms will help to ensure a common understanding of the law's contents and its application. Moreover, extending coverage to civil servants, teachers, and domestic workers would require additional legislation.

The international institutions formally responsible for the review of national legislation in light of relevant international labour standards are commonly referred to as the ILO supervisory bodies. These include the Committee on the Application of Standards, which will meet during the next session of the International Labour Conference in Geneva in June 2016; the Committee of Experts on the Application of Conventions and Recommendations, which will meet in November-December 2016; and the Committee on Freedom of Association which holds regular meetings in Geneva. It will be for these bodies, based on their own rules and procedures, to examine Cambodia's new trade union law, in order to assess compliance with ratified Conventions.

DECENT WORK

A better world starts here.

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