

Civil servants' union dilemma

David Boyle and Phak Seangly

Analysis

THE American Center for International Labor Solidarity has set its sights on the Herculean task of unionising Cambodia's civil service, a move that, were it successful, could have profound implications for the country's political landscape.

The term civil service in Cambodia has unusually broad application, referring to bureaucrats, teachers, doctors, police and nurses – professions that are, at least officially, all

rewarded with remuneration that makes garment workers look positively well-off.

Their wages are virtually unliveable: though skilled professionals, civil servants, excluding surgeons, earn an average of \$48 a month along with a small supplementary living allowance and possible overtime, opposition Sam Rainsy Party financial data shows.

The low pay, it is often argued, effectively forces civil servants into myriad forms of corruption that underpin the very foundations of Cambodian administrative hierarchy and political servility.

Late last week, the government announced, in what perhaps could be read as a pre-emptive strike in the political battle to woo the favour of the civil service, a 20 per cent year-on-year increase to the base salary of civil servants.

But the move has done little to mollify those pushing for a base level salary of at least \$250 per month.

Cambodia's constitution grants the right of freedom of association, but a contradictory 1994 common law regulating civil servants effectively removes their freedom to

form unions, something ACILS country director Dave Welsh is set on challenging.

"I think all these people are quite brave who are engaged in this. It's a serious uphill struggle, and it's one that the international community, frankly, has let the Cambodian labour movement down on," he said.

"It strikes at the very heart of peoples' ability to make a decent living. If you can't collectively bargain to raise your rights in a unionised context and you're in a profession, it's sort of ironic, right?"

Persuading would-be union leaders

to effectively break laws that Welsh argues are unconstitutional and violate International Labour Organization conventions will not be easy and is a gamble that requires some degree of political muscle.

But Welsh packs clout. In July, he had an audience with visiting US Secretary of State Hillary Rodman Clinton and he is hoping to meet President Barack Obama in November, when he is expected to attend the 21st ASEAN Summit.

Welsh, of course, would not be the

Continues on page 2

Civil servants' union dilemma

Continued from page 1

one bearing the majority of the perceived risks associated with a push to unionise the civil service, and others are less optimistic about the government's level of tolerance.

Political analyst Lao Mong Hay said the government would take any attempt to unionise civil servants very seriously and react with swift retribution.

"When I put forward an idea of the civil service as being useful and non-political, colleagues tell me that would destroy the core of the CPP [Cambodian Peoples Party]," he said.

"I think [there would be] more control of the civil servants by the government: intimidation, retribution, and those who were to join the union would be marginalised, not given responsibilities and moved to new positions and localities as well."

Oum Mean, a secretary of state at the Ministry of Labour and Vocation Training, declined to comment and other officials at the ministry could not be reached.

Council of Ministers spokesman Phay Siphon said such attempts would be "mission impossible" but dismissed any suggestion the government would exact revenge on unionisers.

"I feel it's a wrong attempt and it will result in failure, because the two different systems [the French-based Cambodian administrative system and that of the United States] are like the cat and dog," he said.

"And so far till now, the United States, as a culture, they sometimes fail to understand Cambodia well."

Siphon said those who insinuate that civil servant wages are

too low fail to factor in the allowances they are paid and stressed that under Cambodian law, civil servants had only the right to form associations.

"I'm a civil servant; I'm not corrupt," he said.

In 2010, the government cancelled a program that allowed international donors to pay performance-based salary supplements to civil servants, arguing it had been terminated because the program could jeopardise attempts at broader civil service reforms.

Mong Hay pointed out that Cambodia's system of government administration harks back to its communist past, with ministries compartmentalised and isolated from one another.

Opposition groups have argued that nepotism and the phenomena of "ghost workers" in areas such as the massively bloated military, considered part of the civil service, is endemic.

Cambodia's armed forces, for instance, have more generals than any other in the world, and according to government payrolls, maintain 124,000 active personnel and 192,000 reserves — enormous numbers for such a small country.

Penetrating such an entrenched system and resisting government attempts to co-opt any envisaged union, as has happened to so many others, would require an individual of rare character, Mong Hay added.

"It is serious. Any leader of that union would have to be a strong-willed strategist as well."

As in any country, Cambodia's union leaders are at times less than saintly, with the flash Lexus 4WDs many of them drive serving as a testament to the fact that the country's proletarian agita-

tors can submit to the temptation of bourgeois indulgence.

The man who thus far has come closest to unionising the civil service is Rong Chhun, president of the Cambodian Independent Teachers' Association, which in effect defiantly acts as a union.

Another man who has been floated as a potential leader is Cambodian Independent Civil-Servants Association president Phoung Sovann. Neither could be reached for comment yesterday.

However, Kourn Ngoum, secretary-general of CITA, said that while he was unaware of the push, he welcomed it.

"The sake of creating the union for civil servants is huge. It will help every civil servant at each institution and combat any irregularities and injustices at their workplace... or other working conditions," he said.

He stressed that civil servants serving the government did not hold political affiliations and was unwilling to say whether unionising was politically risky.

But if history is any precedent, they should not expect the government to simply sit back while people unionised, Sam Rainsy Party whip Son Chhay said.

Citing a Khmer People's National Liberation Front-backed push in the mid 1990s by a group of judges who had tried to form a union, he said the CPP had acted swiftly and decisively to quash their rumblings by creating a committee to control them.

"Then they all had to be a member of the CPP, and they had to be pay a fee to ensure they were all happy and under control," he said.

"Then they quieted down." ■