



RESOLVING COLLECTIVE
LABOUR DISPUTES

The AC E-Newsletter

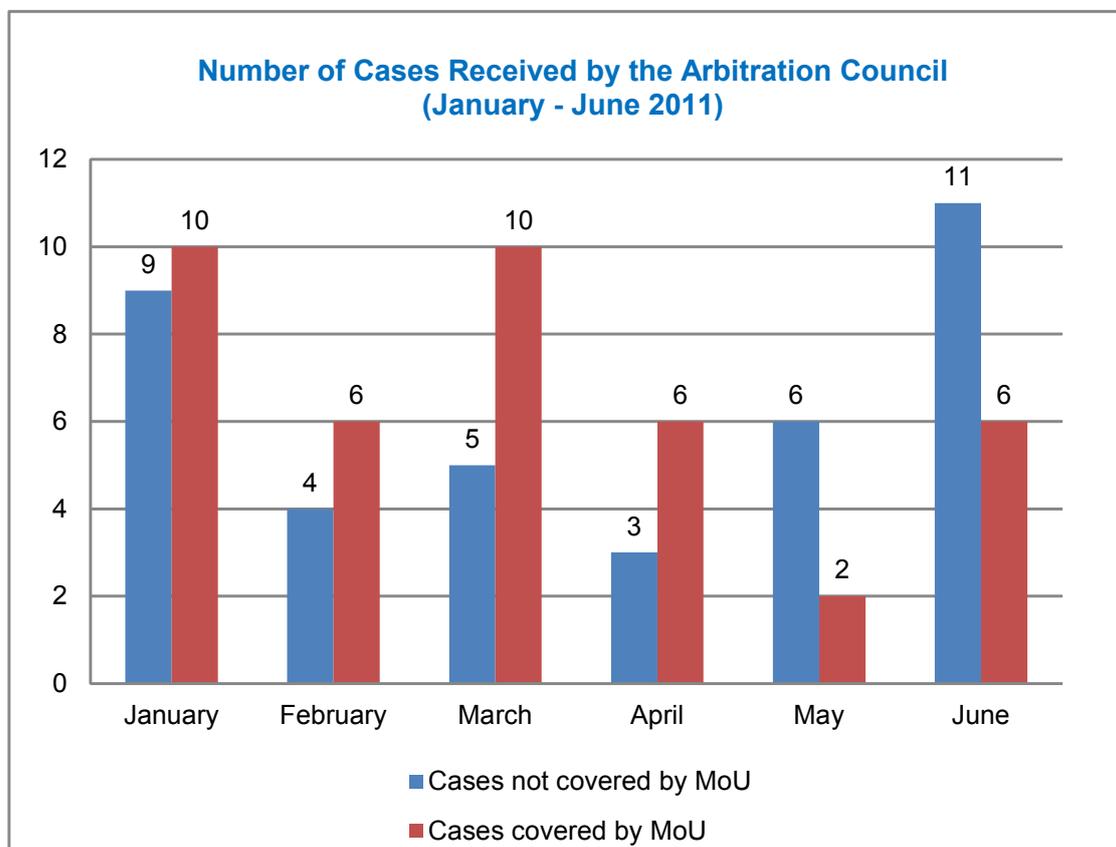
Memorandum of Understanding on Improving Industrial Relations in
the Garment Industry and Binding Arbitration

June 2011

Resolution of Labour Disputes Covered by the MoU

In June 2011, the Arbitration Council (AC) received 17 labour dispute cases, the highest record since the establishment of the AC in 2003. 6 of the cases were covered by the MoU.

Overall, in January – June 2011, the AC has received 78 labour dispute cases where 40 (51%) cases were covered by the MoU. 17 (22%) cases were successfully conciliated by the AC (included before, during and after the hearing), 46 (59%) cases were settled by an arbitral award and 15 (19%) cases were in process. The graphs below show the total cases received by the AC, classified by MoU cases and non-MoU cases and overall results on Labour Dispute Resolution.



Observations on the Implementation of the MoU and Binding Arbitration Cases

There were 6 MoU cases registered in June 2011 with 3 cases being heard in the reporting period. Parties in one of the 3 cases reached an agreement at the hearing. Throughout the arbitration process, we observed that:

1. Encourage developments

- In 3 cases, the parties signed on separate agreement to confirm choosing binding arbitration on rights disputes.
- In 3 cases, the parties understood the MoU provisions specifically about binding arbitration on rights disputes.
- In 3 cases, there were no industrial actions (strike and lockout) involved during the dispute settlement by the AC.
- In 3 cases, the employer party was well prepared, presenting necessary documents for consideration by the Arbitration Council.
- In 1 case, the worker party was well prepared, presenting necessary documents for consideration by the Arbitration Council.
- In 3 cases, the parties adequately presented the facts and arguments to support their cases.
- In 2 cases, the parties showed their willingness to settle the disputes by mutual agreement. In 1 case, the parties' good understanding of the relevant legal provisions helped them reach an agreement.
- In 3 cases, the parties were fully present at the AC hearings.

2. Challenges in the Implementation of the MoU

- In 2 cases, the worker party was not well prepared and failed to present necessary documents to the Arbitration Council.
- In 1 case, the parties did not cooperate with each other in settling their dispute by agreement. The worker party withdrew issues that they knew were interest disputes.

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