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International Labour Organization

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Content

Figures

Tables

Executive summary

This study intends to increase understanding on gender equality and discrimination in Cambodia's garment industry with a view to improve the economic and social well-being of its mostly female workforce and inform the further development of a responsible corporate model of garment production. It examines the working and living conditions of garment workers and their perceptions on discrimination and harassment in the workplace in garment factories in the country.

The study consisted of a desk review and field research by a Cambodian research team. They conducted interviews with 240 female and male workers in Cambodia's garment factories, a series of focus group discussions with workers and interviews with owners, managers, workplace union leaders, and representatives of the government, employers' and workers' organizations in 2011. A summary of the draft research report was shared with representatives of Government, employers' and workers' and other civil society organizations by mid-2012. Their comments were addressed in this report which was finalized by the ILO.

The Cambodian Constitution states that every citizen shall be equal before the law and enjoy the same rights and freedom and fulfil the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The labour law prohibits discrimination on the grounds of race, colour, sex, creed, religion, political opinion, birth, social origin, membership of a workers' union or the exercise of union activities at all stages of the employment cycle.

In Cambodia, few complaints on discrimination at the workplace have been brought to the Arbitration Council, which is responsible for resolving collective labour disputes. In addition, the textile industry which is the most important industrial sector of the country is not subject to systematic data collection and dissemination on its workforce. Comprehensive labour statistics about employees' characteristics, such as sex, age, civil and migrant status, or other social indicators, are not available, and the industrial sector does not provide data broken down by sex on issues, such as recruitment, job positions, seniority, dismissals, wages and leaves, including maternity leave.

Cambodia, a late comer in the export-oriented **global garment and textile manufacturing industry**, is dominated by foreign investors, primarily from Taiwan and Hong Kong, China, and secondarily from mainland China and the Republic of Korea. Only seven per cent of the factories are owned by Cambodians. The United States of America is the industry's largest importer. The majority of the factories are "cut-make-trim" – manufacturing clothes from imported textiles with the designs provided by international buyers, such as GAP, Levi Strauss, H&M, Nike, Adidas and Target.

Following the international trends that have characterized the global trade in textiles, this sector has undergone different phases of development in Cambodia. Between 1995 and 2006, the industry grew at a remarkable 40 per cent per year, helped by trade agreements on condition that the country adopt sound labour market policies and adhere to international and national labour standards in its factories. However, the global economic downturn started to affect Cambodia's garment and textile industry in late 2008. Demand plunged, factories had to lay off staff and garment workers were among the worst affected groups. However, the industry stabilized and has grown from 2010 onwards.

The overall outlook for Cambodia's garment industry is promising. It still has one of the lowest minimum wages in the region, and since 2011, the sector benefits from changes in European Union (EU) policies for Least Developed Countries allowing for duty free exports to the EU. From the early start, the Cambodian garment and textile industry has been supported by the Better Factories Cambodia (BFC) programme, which monitors compliance with labour rights in factories registered as export factories and provides training and management advisory services.

The garment industry **workforce** for the factories registered as export factories is estimated at 350,000. However a number of subcontracting factories may bring the number of workers up to around 450,000. Women workers comprise over 90 per cent of the garment sector labour force in Cambodia. The garment and footwear industries have provided many employment opportunities to Cambodia's young population, in particular from the rural areas. There is a strong industry preference for employing young women as sewing machine operators which form the bulk of the assembly line workers.

These workers are typically young migrants from the poorer provinces. Young women's decision to migrate is usually a matter of economic necessity rather than individual choice: poverty and lack of wage employment act as a push factor from the villages, while the prospect of a regular formal wage and a new urban lifestyle act as a pull factor to the manufacturing centres. These women are between the ages of 15 and 35 years, are less likely to be married compared to women in the general population. Almost two-thirds have completed primary education but very few have progressed beyond. They have been socialized to accept the subordinate status of women in traditional Khmer culture and are expected to work hard, support their families and regularly send remittances home.

The workers' profile that emerged from the interviews with 208 women and 32 men shows that most workers are young. Nearly half of the interviewees are younger than 24 years, and only 22 per cent are over 30. Workers' educational attainment is particularly low: 43 per cent of the interviewees had not completed primary school. Only 9 per cent of the sample had attained at least grade nine education; among women only 5 per cent had reached this level. Married workers generally had only one child; families with more children generally had them before coming to work in the factories.

Workers' living conditions were found to be poor: Workers' wage levels require them to share rented rooms, and the compounds are often unhygienic and flood during the rainy season. Workers have to pay above-average prices for water and electricity. Affordable public services, including essential services like health provision, childcare, education or transportation do not exist in the places where they live. Workers must minimize spending on food and basic needs so they can send their families as much money as possible.

The survey and interviews reveal some challenging **working conditions** in the factories. The **minimum wage** for the textile industry was set at US$61 per month in June 2010 and several allowances have been added or increased since then. However, the basic wage and the benefits do not allow workers to live independently and support their family, and relatively high inflation levels have been eroding workers' income. To increase their minimum pay workers must work long **hours**. They routinely seek and accept overtime work. Over 90 per cent of factory workers work at least 10 hours per day, six days a week and more during the busiest months. Many workers do not take leave for long periods in order to earn bonuses and benefits tied to production targets. As a result, the workload of textile industry workers is much higher than that for workers in other industries.

Since 2006, there have been allegations that some employers have circumvented laws concerning working contracts. The law says that after two years of short-term contracts workers should be granted a contract of undetermined duration, but different interpretations exist. Many factories now recruit workers under short term contracts that must be renewed every three to six months, and contract renewal is based on workers' performance. Thus, many workers are forced into permanent probation. This practice facilitates discrimination against any worker who does not respond to the standards set by factory management. Unionized workers and union leaders, sick or pregnant women, and workers who protest such practices as forced overtime or harassment are particularly vulnerable. Short-term contracts also deny workers the chance for promotion. These conditions render the life of workers, especially those with children particularly precarious.

Career advancement in the industry is limited, except for a few positions as group leaders. Workers over 30 years are considered old, and women over 35 normally are not employed in production. Most workers are concentrated in the sewing departments, the core of the industry, where the work pace is intense and tightly controlled. The workers in the sewing departments are almost entirely women; men form the majority in departments such as quality control which pay more and offer better working conditions.

Garment workers complain about their poor health and are often sick. The pace of labour which intensifies during the busiest months, in combination with the poor living conditions and low expenditures for nutrition, leave workers weak, highly stressed, and prone to disease. The scarcity of free or affordable health care, combined with employment insecurity leaves workers unprotected, and often forces them to return to their villages for health care. Workers report denial of sick leave, irregular salary cuts in case of sickness and scarce implementation of the **sick leave** laws and this forms a major source of worker-employer conflict and of union interventions. The provision of affordable social security benefits, including health care is a Government priority but in its infancy. Protection against occupational accident and diseases is being provided under the National Social Security Fund since 2007.

Pregnancy and motherhood are difficult to accommodate with the factory work. The lack of services and the intensity of the work mean that many pregnant women have difficulty coping with the work rhythm and pace. Moreover, some discriminatory employment practices increase the burden on pregnant workers or workers with children. For example, several survey respondents indicated that little time is given to workers for prenatal health checks. One factory required workers to work Sundays to make up time lost because of health visits.

Maternity leave in Cambodia lasts 90 days during which women receive half of their pay and benefits, the lowest rate in South-East Asia. Moreover, problems were found in terms of compliance with the law; the majority of interviewees had received only half of the minimum salary without any of the benefits, because employers did not include the payment for seniority, attendance or other bonuses that should be included in calculating the maternity benefit. Moreover, while it would be most helpful for women to have their maternity benefits at the beginning of their leave, many factories pay the maternity benefit during the leave on a monthly basis, and some pay it only when the worker returns from maternity leave.

Because most of the workers give birth in their hometown where costs are lower, these payment practices create further difficulties. Very few women can return from maternity leave within the limit of 90 days. The lack of childcare, difficulties in continuing breastfeeding while working,

and the cost of baby-milk powder push women out of work until their babies are weaned. The labour law provisions on the establishment of operational childcare facilities in factories or the provision of an equivalent amount of money to working mothers for childcare service are, with a few exceptions, not well implemented.

While workers with children face difficulties in combining work and family responsibilities, family planning and birth spacing services are provided and promoted by many organizations, generally with the support of the factories. However, it seems that garment factory workers postpone marriage and child birth. Most of the workers cannot afford to have more than one child. Moreover, the stress, poor nutrition and overwork that textile factory work face are linked to amenorrhea which reduces the fertility of many young women workers, according to medical staff at the reproductive health clinics near the factories.

Concerning workers' perceptions on **discrimination** at recruitment, a large majority of the respondents (72 per cent) believe that discrimination occurs. Almost half (48 per cent) of interviewees reported that they had experienced discrimination at the workplace. The reasons for discrimination at recruitment and in the workplace are similar, and include sex, pregnancy, marital status and age (both too young and too old) for female workers, and union affiliation for male workers. Workers reported that union members and leaders are dismissed or their contracts are not renewed. According to the workers other discriminatory factors include physical appearance, body strength, or social factors such as rural origin, level of education or poverty.

Harassment was experienced by more than half of the workers (54 per cent) in the sample. Many factories impose a harsh discipline on workers, and the challenges in communication between Cambodian workers and their non-Cambodian supervisors contribute to the problem. In many cases factories try to achieve production targets and a fast work pace by shouting, insulting, cursing, or indulging in other behaviours that workers resent. Such practices give rise to conflicts, confrontations and grievances that require negotiation and mediation. Many workers mentioned threats as an important form of harassment their supervisors use to force overtime on workers or to increase their output. Short contracts increase supervisors' power, enabling them to impose discipline by such harassment as insults, shouting and cursing, or even throwing clothes at workers in front of their co-workers.

One in five of the women workers (21 per cent) in the study reported **sexual harassment**, or harassment with sexual undertones which led to a threatening working environment. These episodes usually involve co-workers but some involve supervisors or others higher in the hierarchy positions. For example, according to many women, male workers who hold important jobs, such as machines repairers enjoy a lot of free time, which some use to engage in sexually harassing behaviour. Given gender norms and stereotypes that denigrate women, the predominantly male power structure in factories is conducive to and even invites sexual harassment.

No uniform mechanisms exist to address discrimination or harassment across the industry. Very few complaints on harassment and discrimination have been reported to the Arbitration Council and workplace records on harassment are not available. This makes it difficult to study the prevalence and severity of these issues.

In conclusion, the garment export sector in Cambodia provides valuable employment opportunities to men and women alike, and systematic efforts are being made to monitor

and improve working conditions in the country's export-oriented garment factories. Strong occupational segregation exists by sex and the lower-skilled sewing jobs are filled almost exclusively by young women with little education from the rural areas. The industry relies on the abundant and relatively cheap availability of women's labour and their compliance with existing gender norms. Workers report long working hours, lack of leave and low wages. Legal rights are not always enforced, or are considered as continuously negotiable. Some workers also face harassment on the grounds of their sex or social origin, including sexual harassment, as well as unfair practices on the calculation and payment of maternity leave benefits. The study's findings confirm instances of discrimination on the grounds of maternity and the exercise of trade union activities and there are few opportunities for workers to combine work with family responsibilities.

The garment industry in Cambodia is estimated to engage a labour force of 350,000 to 450,000 workers, of which over 90 per cent are women, most of whom are young and from the country-side. In a country with 699,000 women between 19 and 24 years of age, this industry employs a considerable proportion of this population. The study's findings show that there is a need to further improve the working and living conditions of female textile workers. This will improve the status of women and family livelihoods in Cambodia and will benefit national development goals and outcomes.

The report provides a number of **recommendations** for the ILO, the Government, employers and workers and their organizations, and for civil society. The recommendations call for strengthening gender equality and gender mainstreaming programmes within these organizations; improving technical capacity to address and improve working conditions alongside business needs; promoting pay equity, advancement and training opportunities, anti-harassment programmes, and maternity protection within the factories; and developing programmes and partnerships to address garment industry workers' needs for better food and nutrition, health services including reproductive health services, access to water, sanitation and energy, and access to childcare and education.

1. Introduction

Research aim, content and focus

This study intends to increase understanding on gender equality and discrimination in Cambodia's garment industry with a view to contribute to improving the economic and social well-being of its mostly female workforce and informing the further development of a responsible corporate model of garment production. The lack of baseline data on the industry's workforce and the absence of discrimination complaints precluded systematic scrutiny of the types and extent of discrimination at the workplace. For this reason this research has analyzed discrimination, and (sexual) harassment based on the perceptions of individual workers, and has investigated the workers' working and living conditions.

Following a desk review, field research was conducted from June to September 2011 in the industrial areas of Phnom Penh by the Cambodian research team. First, a series of exploratory interviews and discussions with workers, unionists and factory managers took place. Then a quantitative survey was carried out outside of working hours, through questionnaires and interviewing of 240 workers who were selected randomly. Workers were surveyed either at home or while going home from work. Most worked in garment factories; a small percentage worked in footwear factories. More than half of the respondents (53 per cent) worked in factories that are part of the ILO-supported Better Factories Cambodia (BFC) programme and are regularly monitored; 43 per cent worked in factories that are not on the ILO-BFC list. The remaining workers who were interviewed either did not know their factory's name or were reluctant to mention it.

In addition, a qualitative component of the study consisted of focus group discussions and individual interviews with key informants. Workers were invited to join a group discussion at their own homes or in other neutral locations in order to make them feel free to share their points of view as much as possible. Discussions were also carried out with unionists at different levels, from the factory to the federation level. Separate, individual interviews took place with the few employers who were willing to talk with the research team.

A draft research report was prepared with ILO assistance. The ILO shared the summary of the draft research report with representatives of Government, employers' and workers' and other civil society organizations by mid-2012. Their comments were addressed in the final research report which was finalized by the ILO.

Main concepts and definitions. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – the fundamental international labour instrument which promotes equality and prohibits discrimination in employment and occupation – defines discrimination as *"any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation."* Discrimination occurs when a differential and less favourable treatment is adopted based on any of the above mentioned grounds at any stage of the employment cycle, from education and training for work, job search, recruitment, on the job and after leaving the labour market.

The research aimed at identifying manifestations of both direct and indirect discrimination against women in the garment industry. Direct discrimination occurs when laws, policies, rules or practices [explicitly exclude or narrow the options of individuals because of their characteristics. Indirect discrimination occurs when laws, policies, rules or practices that appear neutral in practice lead to the disadvantage of individuals because of their characteristics. Structural discrimination refers to social, legal, and institutional constructs that reproduce and perpetrate group-based disparities. Gender based structural discrimination in the family and society has negative effects at the workplace and creates a situation of disadvantage for working women.

Harassment is a form of violence. It refers to offensive or intimidating behaviour that has the effect of humiliating, undermining or injuring the individuals that are subjected to it. Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work. Harassment is a form of discrimination if it is based on one of the prohibited grounds of discrimination defined in the Convention and additional grounds in national legislation. Actions constituting harassment may be: physical – e.g (sexual) violence or unwelcome physical contact such as touching or kissing; verbal – e.g. comments, offensive jokes, personal insults, derogatory language; and non-verbal – e.g. staring, leering, whistling, threatening behaviour, sexually suggestive gestures, or 'freezing' somebody out.

Although sex and gender are the main variables for analysis, the study reviewed other grounds of discrimination, such as colour or race, religion, social origin, nationality, age, union membership or leadership, maternity, and health status including disability, HIV/AIDS and other relevant diseases. The study looked at all stages of the employment cycle: from education and training prior to work, recruitment, on-the-job training and employment, working conditions, termination and social security, in particular maternity and health protection.

Methodological approach and organization of the study

The study of discrimination poses a series of difficulties and obstacles to researchers (ILO 2007). Most of the available methods to measure discrimination at the workplace are based on data availability, such as capturing and processing data on complaints, gathering differential statistics of labour market outputs between groups, processing statistics provided by employers on the composition of the workforce, and measuring inequality among groups (McDonald, 2008). Other approaches rely on attitudinal studies to identify prejudices and stereotypes or audit studies capturing differences in outcomes due to discrimination, as well as reports of discrimination as perceived by informants (Russell, 2008).

A number of limitations make it impossible to use most of these approaches in Cambodia. There is weak awareness concerning discrimination among all labour market actors and no legal requirements call for collecting and processing discrimination-related complaints. Moreover, the textile industry and its labour force pose challenges to initiatives to collect reliable data on workers' sex, age, civil status, ethnicity, migrant status, disability, health, and fertility. Reliable data are not even available on the number of factories operating and the numbers they employ. Other relevant data, such as the hiring of workers, types of contracts, turnover rates, different types of leave, such as maternity and sick leave, causes of dismissal and length of employment, are also unavailable.

Because of these limitations, the research team decided to assess discrimination based on individual workers' subjective perceptions. The problems of this approach (see Russell, 2008) include over-reporting and inaccurate perceptions of discrimination by respondents as well as underreporting because respondents lack the opportunity to observe that a treatment is unfair or discriminatory. This latter risk is common in the case of gender because gender norms are deeply entrenched in the culture which renders them invisible. We estimate that these two risks balanced out.

The study was conducted from June to September 2011 in the industrial areas of Phnom Penh. A preparatory phase of interviews with key informants and a desk review of relevant publications on gender equality and discrimination and on the Cambodian labour market especially in the garment industry delineated key issues. A qualitative survey followed consisting of focus group discussions and interviews with individual workers, unionists and a few workplace managers. Finally, a quantitative survey was carried out interviewing 240 workers to evaluate their perceptions on discrimination and their employment, working and living conditions. This report draws on those interviews for describing workers' experiences that are discussed below.

The research was guided by an advisory panel consisting of ILO, and other UN and donor agencies, who provided inputs on the study's scope, methodology and the drafting of the report. The research team consisted of Margherita Maffii and Sineath Hong, who were supported by a team of four interviewers. The report's summary was shared with the ILO constituents in mid July 2012 and their comments were incorporated in the final edit of the report by the ILO.

The Cambodian research team established an ethical protocol to guarantee the informed consent of all respondents as a precondition for participating in all phases of the research. Care was taken to ensure anonymity and no traceability; a sharing, respectful and listening attitude at all phases of the study; and a no-harm approach. Participatory discussions with workers and unionists were organized in locations that ensured their anonymity and participation free of control or pressure. Individual interviews were conducted at a time and location chosen by workers, in order to respect their time schedule and privacy.

The **qualitative research** consisted of focus group discussions and individual interviews with key informants - garment workers, unionists and factory managers. Workers were selected by a snowball or chain-referral method. Any worker was eligible to participate in an interview or focus group discussion as long as s/he was employed at a garment factory. Focus groups consisted of male and female workers of different ages, types of civil status, lengths of working experience, and types of factory job.

Seven focus group discussions involving 10 to 15 workers each were held, involving a total of about 90 workers. Additional discussions with workers were carried out during field visits while pre-testing the questionnaires of the quantitative survey. The guiding questions for the focus group discussions were formulated, translated into Khmer language and tested and validated with participants. The approach of the focus group discussions was non-directive and participatory, providing the workers with opportunities to highlight specific issues and problems. All seven focus group discussions took place on Sundays, the only free day for workers, in the office of the research team or in a private house, in an environment judged by the workers free from external influences allowing them to express their views and concerns freely. The focus group discussions with the workers were documented highlighting the major themes of the discussions.

Unionists were contacted and selected through their organizations and other informants. The research team participated in two meetings with unionists, affiliated to two different confederations. Additional individual meetings with union representatives took place to obtain a general picture of the situation in the trade union movement.

The research team was able to obtain information from only five employers, even if it was planned to interview around 30 factory managers. With the help of the ILO Better Factories Cambodia programme and the Social Protection and Gender project, it was possible to have short interviews with managers at five factories. The factory managers had different nationalities and were interviewed at their premises. The research team was allowed to visit one factory to observe the working environment.

Among the five interviews with factory managers, one involved managers from a factory with a high level of integration and production organization, high quality products, a large workforce and high investment levels; one was characterized by a low level of integration and production organization, low quality products and low investments levels; the other three had a medium level of integration and production organization, with only one factory producing quality items. The high and medium level managers and supervisors in these factories were all foreigners.

The **quantitative survey** was carried out to evaluate the frequency of the phenomena identified during the qualitative study and gain insight into the subjective perceptions of workers. The quantitative survey was carried out in the evening after work or on Sundays, using standardized questionnaires and interviewing 240 workers during three weeks. Any worker who worked at least a few months in a garment factory was eligible to take part in the survey. The survey questionnaire asked about respondent's sex, age, province of origin and level of education; work experience including working hours, position; union membership; health and health care; living conditions; savings, salary and remittances; civil status; pregnancy and maternity; perception of discriminatory practices during recruitment process and at the workplace; and direct experience of harassment and sexual harassment. Each interview lasted around 40 minutes. Interviews with women workers with children lasted longer because additional questions were asked. The nature of the enquiry, however, could not always be easily integrated into quantitative responses, and all interviews contained parts of explanation, discussion and story-telling.

The questionnaires were translated into Khmer language. A group of four interviewers, sociology students and graduates, two young women and two young men, were selected and trained, they tested the questionnaires by interviewing a few workers and thereafter the research team finalized these research instruments. The interviews were conducted in different districts (*sangkats*) of Phnom Penh (Dangkor, Manchey, Russey Keo and Toul Kork) where most of the factories are located.

The number of interviews undertaken formed the best possible compromise between the time and the budget available, taking into account workers' time constraints, length of interview, locations and lack of public transports as well as the need for providing an adequate numeric base for the survey that could allow some preliminary quantification concerning the incidence of discrimination and its relationship to other variables. The number of cases allows for important insights on the situation of garment industry workers and their primary issues, and could provide a starting point basis for more in-depth analysis, such as longitudinal studies based on larger surveys.

The questionnaires were coded in a database using a statistical programme (SPSS) and frequencies were tallied for variables defining the sample (sex, age, education, working experience, civil status and family). The rates of perceptions on discrimination at recruitment, in the workplace, harassment and sexual harassment were calculated and categorized according to the different experiences highlighted by the respondents. Whenever possible and meaningful, cross tabulations were calculated, based on sex, age, education and civil status for variables related to perceived discrimination, harassment and sexual harassment. The research tools are attached in the annexes.

Workers' profile

The workers interviewed worked in 117 different factories. More than half of the respondents (127) worked in factories on the ILO-BFC monitoring list that are regularly monitored. (Some of the factories not on the ILO-BFC list produced footwear.) Of the 240 workers who were interviewed for this study, 208 were women (86.7 per cent) and 32 were men (13.3 per cent). Single workers amounted to 58 per cent of the sample, married workers accounted for 36 per cent and 6 per cent of the interviewed workers were divorced. Out of 100 married workers, 78 had children. The majority of working fathers and mothers (63 per cent) had one child, 23 per cent had two children, and 14 per cent had three or more children. Just nine per cent of the workers interviewed had attained grade nine education or higher.

Limitations and constraints

The chronic lack of reliable data and statistics that dates from the rise of the industry makes studying it difficult. The strategic position of the garment industry for Cambodia's economy, and the tie between labour rights and import/export agreements surely reduced researchers' access to information and informants' candour. Apart from the methodological limitations due to the lack of available data, the most problematic aspect of the research was the workers' chronic lack of time. The large majority spend ten hours a day in the factory, getting home at 6.30 p.m.; some work more than 12 hours, reaching home after 8 p.m. or even after 10 p.m. Thus, their work schedule leaves little time and energy for answering time consuming questionnaires.

The quantitative method of analysis was found not to be fully appropriate for this stage of the research. Discrimination can be painful and manifests in both blatant and subtle ways, often evoking feelings and experiences of (un)fairness that are difficult to capture with 'yes' or 'no' questions. The understanding of discrimination was found to be rather low among the workers, as well as among the unionists, managers and other stakeholders. During the interviews, researchers used the questionnaire as a framework for discussion. In addition to answering the questions, some workers shared their stories and experiences.

Generally the workers agreed to answer the interviewers' questions, but data concerning the factories that were collected from workers are incomplete, as workers seldom have information about their employers. Some workers were also afraid to disclose information concerning their factory. In general, it was easy to contact workers near their home. However, in certain areas workers live in compounds built within "industrial parks" that restricted visits. When permission was granted, guards usually accompanied visitors.

Organization of the report

The next chapters give an overview of the gender-related aspects of the industry and a summary of the garment industry in Cambodia; workers' perceptions of discrimination during recruitment, and their first contact with the factory; the working conditions and the practices that discriminate against workers, an analysis of workers' living conditions and their link to exposure to discrimination, and finally workers' perceptions on discrimination, harassment and sexual harassment.

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2. Gender in the export oriented industries: Feminization in garment and footwear manufacturing

> *"The typical industrial worker in the Fordist era after the second world war was a European or American male working in a capital intensive "heavy industry" who could expect lifelong job security in a reasonably tight labour market, the right to join a union, some statutory of firm-based benefits and protections and a "family wage" which assumed full-time housework for women; the typical manufacturing worker is now more likely to be a young, single Asian women employed in a labour-intensive, low value added stages of production, paid wages too low to cover a household's basic costs and enjoying very little social protection".*
>
> (Barrientos, Kabeer, Hossain, ILO, 2004)

It has been three decades since Dianne Elson and Ruth Pearson's study *Nimble fingers make cheap workers* paved the way for the understanding of the links between gender and export-oriented industrial development in the developing world. They argued that the problem of women's subordination does not stem from their lack of job opportunities, but relies rather on "… the relations through which women are "integrated" into the development process". The export oriented textile industry that developed during the last half of the past century is a highly sex-segregated industry that employs large numbers of women all over the developing world.

Gita Sen's publication, *Gendered labour markets in Asia*, offered additional insight into occupational sex segregation and its links to gender norms and ideologies which produce and justify gendered labour markets. Stereotypes such as "… women are believed to have a more caring nature, to be more skilled at household-related work, have "nimble fingers", are more honest, more docile, more willing to take orders, more willing to accept lower wages, have less need for income, are more interested in working at home, have less physical strength and endurance, and do not like to supervise others" continue to be relevant and constitute the ground on which sex segregation is built.

Women's over-representation in the garment labour force is not limited to Asia. Wherever export-oriented textile industries (whether in North, Central and South America, in Europe, and particularly at its periphery, in Northern Africa and the Middle East, and in Asia they rely on women workers (Bourqia, 2002; Dedeoglu, 2010). Sex segregation and lower pay for women are closely linked to the growth of the export industry and countries' growth in general (Seguino, 2000).

Gender and the Cambodian garment industry

Cambodia, a late comer in the export-oriented manufacturing industry, resembles other export-economy countries in terms of sex segregation in its garment and footwear industries rely primarily on female workers who comprise around 90 to 92 per cent of its labour force (ILO-

BFC, 2008). The cultural norms that justify "crowding" Cambodian women in this low-skilled and labour-intensive industrial segment resemble those in other countries and rest on the same stereotypes regarding women's skills, docility, caring nature and family responsibilities. These beliefs, combined with traditional respect for parents, reinforce unequal power relations between the generations and sexes. As important in the devaluation of young women is the cultural preference for boys that leads to gender disparities in access to schooling which leaves girls less qualified for jobs.

The mass recruitment of girls and young women into the textile sector is not without contradictions. While gender norms tend to confine females from rural communities to the private sphere, their relatives and their loyalty to family push them to leave their villages to find paid jobs. The remittances that these young women send back to their rural families are often their families' most reliable source of cash.

However, the jobs to which these women have gained access are not valued. Women who work in the garment industry are not respected and they are considered to have low-skill jobs. Different waves of factories closures and mass dismissal of workers have reinforced this idea. Increasingly, factories tend to hire workers on Fixed Duration Contracts of three to six months and this contributes to decreasing job security among female garment workers. Thus, despite their critical role in Cambodia's key industry its garment workers are invisible and ignored in the development discourse.

Women workers: cheap and dutiful

Cultural constructions defining gender roles in Cambodia support the devaluation and invisibility of women garment workers. Their subordinate position in the labour market leads female textile workers to being viewed as a secondary earning in their families, regardless of the reality as primary or sole earners. Ironically, the "male breadwinner" bias is widespread in the garment industry.

On average, Cambodian garment workers send 20 to 40 per cent of their monthly pay to their families (Kang, 2009a). Their families need cash remittances to cover expenditures such as education for siblings, medical expenses, debts' repayment and hiring help to work in in the family rice fields (ADI, 2005). The need to conform to normative gender roles and to support their families exerts a very strong pressure on women workers. Some workers engage in a life of sacrifice and deprivation that put their physical and mental health at stake. Undoubtedly this may confer to young women more respect and recognition within the family, but apparently this is limited to the time during which remittances are sent. When money is less than the usual amount, complaints arise questioning their morality: they have spent too much money for themselves, enjoying life. Sometimes criticism arrives even if the money sent is more than the average: girls must have done something bad to earn it (ADI, 2005). While workers are normally aware about how the money is spent at home, they are seldom consulted to make decisions about it (Maffii, 2002).

3. The garment industry in Cambodia[1]

Cambodia's export-oriented garment industry started to develop in the second half of the 1990s. The first factories producing garments for exports appeared in Cambodia around 1994 with investors from Taiwan and Hong Kong China, Malaysia and Singapore. Recognizing the potential for foreign investment to speed up post-war economic recovery, the Cambodian Government offered incentives to foreign enterprises, such as tax holidays and duty-free imports of machinery and materials. These incentives in combination with the country's abundant cheap labour and preferential access to Western markets attracted increasing numbers of garment manufacturers. In the early years, working conditions in the sector were poor and abuses were common, including forced overtime, illegal pay deductions and failure to pay the minimum wage.

This situation began to change in the late 1990s with the emergence and strengthening of the union movement, the establishment and consolidation of employers' organizations, such as the Garment Manufacturers Association in Cambodia (GMAC) and the Cambodia Federation of Employers and Business Associations (CAMFEBA) as well as changes to Cambodia's international trade position. In 1998, the US and the Cambodian Government established a trade agreement allowing for annual import quota increases in exchange for Cambodia's commitment to continual improvements of its labour standards. Preferential agreements with the European Union (EU) and later Canada followed.

To help the country comply with these requirements, the ILO was called upon to assist in the monitoring of labour rights compliance. It initiated the Better Factories Cambodia (BFC) programme to monitor labour conditions and provide services towards improving working conditions, management and industrial relations in the sector, in cooperation with international buyers and the Cambodian Government, and the concerned employers' and workers' organizations.

The credibility of the third party monitoring system resulted in an emerging reputation for compliance with labour standards in Cambodia. This and its preferential trade position led to doubling the value of Cambodia's textile exports between 1999 and 2001. By 2003, garments made up 80 per cent of total exports. Investments and exports from the garment sector continued to rise despite the 2005 phase-out of the Multi-Fibre Arrangement due to Cambodia's competitive advantage of compliance with basic labour standards and low labour costs, as well as restrictions on imports from other Asian countries in the US and the EU, and Cambodia's accession to the World Trade Organization.

From 2008 the industry and its workforce started to suffer heavily from the global economic downturn and in 2009 Cambodia's garment sector growth rates turned negative (-1.5 per cent). By late 2009, around 70 factories had closed their doors permanently, and some 70,000 workers, mostly women, or around 20 per cent of the industry's workforce had been laid off. Those who kept their jobs also faced hardships mainly due to reduced overtime, eroding workers' incomes and their capacity to send remittances home.

1 Unless otherwise quoted the information in this section comes from Dasgupta, Poutiainen and Williams, 2011.

However, in 2010 with the world economy recovering, the order volumes in Cambodian garment factories picked up resulting in a positive growth rate of 2.2 per cent. Apparel manufacture continues to be the most important industry in Cambodia in terms of employment, outputs and export, representing 70 per cent of exports volume, 90 per cent of export value, and 16 per cent of GDP (Dennis, 2010). Since 2011, the sector also benefits from changes in the EU's rule of origin policies for Least Developed Countries allowing for duty free exports to the EU.

Today Cambodia continues to enjoy a reputation of acceptable labour standards, which is attractive to the buyers' brands and provides Cambodia a competitive position in the industry. The US and the EU remain the major export destinations, their shares averaging 70 and 25 per cent respectively.

The factories

In 2010 there were approximately 450 wearing apparel, textile and footwear factories in Cambodia. The majority of the factories are "cut-make-trim", manufacturing clothes from imported raw materials and designs (Natsuda, 2009). About 60 per cent held export licenses from the Ministry of Commerce. Because of intense production pressure, these export-registered factories subcontract some of the work to small factories. These are not registered as exporters, often omitted from official statistics, and are not subject to the ILO-BFC monitoring system on labour rights compliance (workers' testimonies, World Bank-FIAS, 2005). According to a representative of the Garment Manufacturers Association of Cambodia (GMAC), there are about 200 subcontracting factories (personal communication with Cambodian research team). In September 2011 a Decree was issued requiring GMAC-export-registered factories to declare their subcontracting factories (ILO-BFC, 2011c).

Table 1. Factory ownership and size (data from GMAC in USAID 2007)

Country of Ownership	Per cent of		Number of workers	
	Firms	Employment	Average	Maximum
Cambodia	8.6	3.4	577	1,747
China, PRC	13.1	7.3	651	2,280
Hong Kong (China)	20.7	24.4	1,201	6,410
Malaysia	5.9	9.2	1,682	4,656
Republic of Korea	11	6.6	802	2,179
Singapore	3.4	4.3	1,355	3,892
Taiwan (China)	24.5	30.6	1,445	9,272
Other	12.8	14.1	1,134	9,272

The industry is dominated by foreign investors. As Table 1 shows, less than 9 per cent of Cambodia's garment factories are owned by Cambodians. More than half of the owners are from Taiwan and Hong Kong China and they tend to manage the largest factories. Factory size varies from a few hundred workers to big agglomerates that sometimes employ thousands of

workers. Cambodian-owned factories employ fewer than 7 per cent of all workers. The garment factories have high turn-over rates: 47.8 per cent of the firms active in 2003 had been closed down by 2009 and new firms had purchased them or opened new ones (Asuyama, 2010).

The workforce

Despite its importance in the Cambodian economy, the textile-garment industry has not been subject to systematic collection and dissemination of data on its workforce, a failure whose effects are noted with each new survey of workers. In the absence of official, publicly available statistics, the number of employees in this sector is uncertain. According to a GMAC representative, the official number is 350,000 and may reach 450,000 when the subcontracted factories and footwear factories are included. The Ministry of Labour lists 432 factories with only 209,000 workers, however, according to Better Factories Cambodia, employment in export registered factories reached 319,383 in 2010 (ILO-BFC, 2011b).

Nearly 90 per cent of the garment factory workforce are in low skill jobs, and many of the industry's workers are women whose share of employment grew from 87.7 per cent to 91.7 per cent between 2002 and 2008 (Asuyama, 2010). At least two-thirds of the workers are between 18 and 25 years old and come from rural areas (USAID, 2006). The importance of the garment factories to young women's employment is particularly striking when considering that the population of Cambodian women aged 19 to 24 is 699,000; nearly one-third of all Cambodian women in the age range of 18-19 to 24-25 work in the garment industry (Dasgupta and Williams, 2009). Other jobs that spring up around the garment factories such as street vending, transporting, shops and markets increase the total employment generated by the garment sector, possibly to over 600,000 (EIC, 2007).

The legal and institutional framework

Cambodian laws are in line with the international definitions on discrimination. The Cambodian Constitution states that every Khmer citizen shall be equal before the law and enjoy the same rights and freedom and fulfil the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The labour law states: "Except for the provisions fully expressing under this law, or in any other legislative text or regulation protecting women and children, as well as provisions relating to the entry and stay of foreigners, no employer shall consider on account of: **race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities**; to be the invocation in order to make a decision on: hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of employment contract. Distinctions, rejections, or acceptances based on qualifications required for a specific job shall not be considered as discrimination" (Article 12).

The 1997 **Cambodian labour law** covers the most important aspects of employment: it defines the types of employment (permanent and non-permanent), the workers' minimum age, type of contracts, parties' obligations, and freedom of association and representation by unions. It also addresses women's rights concerning pregnancy and maternity leave. An overview of the provisions related to discrimination in Cambodia's labour law is included in Annex 4[2].

2 In 2006, ILO Cambodia published a Guide to the Cambodian Labour law for the Garment Industry (ILO, 2005, reprinted in 2008) that explains the key aspects of the labour code for the garment industry and provides examples for calculating wages, over time, piece work, severance pay and maternity leave.

The primary state agency involved in regulating the industry is the Cambodian **Ministry of Labour and Vocational Training** whose role is to design and enforce labour laws and regulations. It does this through the department of inspection which is charged with monitoring factories; supervising occupational health and safety; releasing health certificates to workers; and resolving disputes between employers and workers. Other ministries also play a role. A special statute on the export-oriented garment industry creates a direct link with the Ministry of Commerce, which releases certificates for export, permitting factories to ship products abroad. The Ministry of Industry is involved in issuing licenses and supervising industrial plants. Until now the Ministry of Social Affairs has had no role because the sector is not involved in a major social security programme. The Ministry of Women's Affairs participates in programmes for garment workers to develop the workers' skills in cooperation with the ILO and the ILO-BFC.

One provision of the labour law establishes an **Arbitration Council** which deals with collective rights and interests disputes that are not settled by the Ministry of Labour's Dispute Resolution Department. The Arbitration Council works through a number of arbitrators – legal experts chosen by all the parties. The awards of the Arbitration Council must be implemented unless one of the parties objects. In that case the issue is brought to higher levels such as the Constitutional Court. Since its establishment in 2003 the Arbitration Council has considered more than 1,000 disputes of which 70 per cent have been successfully resolved. However, the parties implemented the Arbitration Council's decisions in only 30 per cent of the cases. Therefore, 2011, employers and unions signed a Memorandum of Understanding on Industrial Relations in 2011 which indicates that decisions on rights disputes are binding for all parties.

No collective disputes or requests for arbitration have been brought concerning sex discrimination. A few of the awards by the Arbitration Council concerning the garment industry raise gender issues such as denial of maternity leave or failure to compensate workers on maternity leave. There have also been a few cases of discrimination against unionists in various industries which have led to settlements in favour of the workers.

The employers

Employers registered as garment manufacturing exporters must belong to, and are represented by, the Garment Manufacturers Association of Cambodia (GMAC) which was established in 1996 and registered in 1999. The association's role is to represent the industry at the governmental level and with all the other actors, to build members' capacity to improve their productivity, to inform members about new regulations related to the sector, and to lobby the Government. GMAC is an influential lobby given the textile industry's dominance in exporting. Adding to the lobbying power of garment industry employers is the common practice in the Cambodian business environment of informal payments "to get things done" (JICA, 2010).

The unions

Several unions serve workers in the Cambodian garment industry, and its workers are increasingly unionized. The first Cambodian union federation – the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) – was established after 1993, the year of the first post-war elections. The opposition party supported FTUWKC, to which the Cambodian government party (CPP) reacted by establishing the Cambodian Union Federation (CUF). Since then, unionization

has been characterized by politicization. With the development of the garment sector came two other federations – the Cambodia Federation of Independent Trade Unions (CFITU) and the National Independent Federation of Trade Unions of Cambodia (NIFTUC). More recently, the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU) was established.

Besides these mass organizations which represent thousands of workers, many small unions exist, often operating in a single factory. Reportedly, some of these are largely inactive, but some are supported by employers with the aim of disrupting or competing with the major unions, and some act by intimidating other unionists. Since the beginning of unionism, intimidation and violence against and between unions have existed, and this has meant that trade unionism in Cambodia is considered to be a dangerous activity. However, despite divisions and the large number of token unions, the main confederations have been able to develop joint strategies and unite for common objectives, such as the "successful" strikes for a minimum wage increase of September 2010 in which 200,000 workers participated.

All but one of the union confederation leaders and intermediate leaders are men; the intermediary leadership level within the federations is also dominated by men. Until recently most of the factory level leaders were also men, but some women are now joining their ranks. Over the past years, some confederations and federations have started to introduce gender policies and establish women's committees and since 2011, each of the seven main union federations has a male and a female gender focal point.

The ILO and the Better Factories Cambodia programme

The ILO supports many governmental and non-governmental organizations including employers' and workers' organizations in Cambodia to promote decent work among women and men. Its programmes and projects aim at building local capacities towards the development and implementation of labour law, employment promotion, enterprise development, social protection, gender equality and employers' and workers' education and training.

As mentioned, ILO's Better Factories Cambodia (BFC) was set up to monitor and report Cambodian garment factories' compliance with labour rights. The programme monitors the export producing factories that are registered with the Minister of Commerce, and coordinates with the Royal Government of Cambodia, the Cambodian Employers' Association, the unions, and the buyer firms that purchase garments from Cambodian factories. The programme also offers training and advisory services on labour law, management and employers' and unions' compliance with labour standards and receives support from many agencies and companies. The ILO-BFC programme overlaps with the monitoring functions of the Ministry of Labour to some extent, but this was the intention of the original agreement with a view to establish an independent third party monitoring system, which complements and strengthens the national monitoring system.

BFC observers visit factories every eight months to monitor them on 170 variables covering many aspects of labour rights and working conditions. If problems are observed, BFC writes a report which it submits to the factory. If the factory accepts the report, a process of remediation starts. If the factory objects, the report will go to the factory's buyers, the firms who have contracted with the factory to produce the garments. Twice a year BFC issues a synthesis report which shows the progress and bottlenecks compared to the preceding report. These reports

note positive trends over time on factories respecting core labour rights such as the minimum age for employment, minimum wage, and overtime payment. These reports show slow progress with respect to issues like limiting overtime hours, appropriate payment of maternity benefits and discrimination (ILO-BFC, 2011b).

The factory owners do not provide information on buyer contracts, volumes or prices to the ILO-BFC. Factory owners typically justify the pressure they put on workers to produce larger quantities more quickly (and the lowering of labour conditions that this likely entails), with the pressure put on them by buyers who continually demand faster delivery at lower costs. This has led to many factories subcontracting work to smaller factories and home-based workplaces that operate without the buyers' knowledge or agreement. This type of informal arrangement easily leads to lower compliance with labour standards and labour laws, and instances of labour abuse and exploitation. While the BFC's mandate is limited to monitoring only export factories, the Government is considering extending the monitoring system to include the smaller subcontracting firms.

Non-Governmental Organizations (NGOs)

There are a small number of NGOs involved in the garment industry. Some provide legal support to workers, such as the Community Legal Education Centre (CLEC) which aims to raising workers' awareness of their rights, increase the unions' capacities for collective bargaining and mechanisms for dispute resolution and grievance procedures, lobby on laws and policies related to labour and union regulations, or provide legal aid and representation to unionists. The CLEC is increasingly focusing on the needs and problems of women workers.

The Workers' Information Centres (WIC) provides women workers with places where they can get together, find support and information, and link with unions, with the aim of developing workers' solidarity and increasing awareness of gender-based discrimination. These centres are located near the factories so workers can gather there after work or on Sunday. A new organization, the Cambodian Women's Movement Organization (CWMO) has started to promote women workers' agency, representation and voice through training, meetings and capacity building of women unionists and women leaders.

Another group of NGOs provides reproductive health services to workers, often in cooperation with factory owners. The Reproductive Health Association of Cambodia (RHAC) and Marie Stopes International both provide reproductive health and family planning education, sometimes inside the factories at meetings and gatherings. They also run several clinics where they offer family planning services.

Finally, CARE Cambodia is implementing a Corporate Social Responsibility (CSR) project in cooperation with factory owners, aimed at providing training, life skills, literacy and gender education to workers. Training takes place outside the normal working hours, and is sometimes in cooperation with major buyers (e.g. Levi Strauss, Gap). It focuses primarily on savings and the use of microfinance, as well as reproductive health, contraception, and HIV education.

4. Recruitment and working conditions in the factories

Recruitment

Work at the garment factories is highly sex segregated: factories prefer to recruit women over men on the assembly line. Sewing is the most female-dominated job. Out of 125 sewing workers in this sample, 119 were female workers and 6 were male workers. The process of selection was much harder for the men and their affiliation to unions, if known, represented an important obstacle to their recruitment.

Some factories specify "female workers" in their job announcements. The reasons for this resemble the historical justification for sex-segregation in this industry: respondents said that women were preferred because they are more passive, submissive and obedient, while men were less agreeable to limitations and were prone to react by joining unions and participating in protests and strikes.

In the words of male and female workers during the focus group discussions:

- *Factories recruit mostly women. Men are few and only in selected positions. They keep male workers at the minimum.*
- *They (employers) do not recruit men because men react easily when they are blamed.*
- *They avoid recruiting male unionists because there are many things that workers can complain about, and they are afraid.*
- *Young men with low skills are not easily selected unless they have someone who supports their recruitment.*
- *They are afraid that men will complain a lot. They prefer to select women even if they do not have skills, and then they train them. If they cannot work properly they still keep them and send them to another department. But if men have no skills they are not selected.*

The workers who participated in the focus groups discussions did not further elaborate on gender related issues. In Cambodia gender norms and values are learned from a young age onwards and internalized by most women and men. Gender stereotypes tend to be reinforced at many societal levels, and in institutions, from schools to training institutes, in government and in civil society organizations (Magariño-Manero, 2010). There is widespread lack of awareness and understanding of gender discrimination and how it undermines women's status and power.

Another ground for selective recruitment is a preference for younger women. The minimum age for employment set by the Cambodian labour law is 15 years; Minors, aged less than 18 years old, can be employed only with the agreement of the parents and if the work is light. Generally, garment factories do not hire workers younger than 18 years. This is perceived by the workers and their families as a form of discrimination because families tend to consider girls younger than 18 years fully able to work, and also because younger girls usually already engage in work in the household and at the farm. During the interviews, one girl admitted being under age when she first arrived in town to work; her family paid the commune authorities to falsify her birth certificate.

On the other hand, at 30 or more years of age, women workers are considered old. Finding work is problematic and in some cases discriminatory barriers exist. As workers mentioned during the discussions about the preferences of employers in recruiting women workers:

- *They do not recruit very young girls and or women over 30 year. They only select women between 18 and 30.*
- *They do not hire workers under 18 years old.*
- *They assume that women over 30 years cannot see and sew well.*
- *Factories prefer in general to recruit young girls because they are easily controlled, they do what the bosses want, they are scared, shy, and do not express themselves easily. Yes, the industry discriminates against women who are older than 30 years, and of course they prefer not to recruit men. Over 35 it is very difficult for women to find a job. Older women are employed only as cleaners or similar tasks.*

Pregnancy, if known, formed an important obstacle to recruitment. Also motherhood was viewed in a negative light in some cases. Mothers are considered to have important and unpredictable family obligations which could result in frequent absences, refusal of overtime and requests for leave. According to the workers interviewed:

- *Unmarried female workers are recruited more than married female workers and fewer women with children are recruited than married women without children.*
- *Pregnant women are not recruited.*
- *They prefer not to recruit women with babies because they are often sick and mothers take leave.*

Physical conditions, sickness and disability are also important barriers to recruitment. Workers need a health certificate released by the Occupational Safety and Health Department of the Ministry of Labour, which includes blood tests and HIV testing. However, in Cambodia blood tests are not required for a work certificate. The responsible unit at the Ministry of Labour assured that the test is strictly confidential, but according to the workers:

- *The factory does not recruit disabled applicants.*
- *If you are already selected and from the health check it turns out that you are sick, they immediately dismiss you.*
- *They check and if you have HIV or hepatitis they don't hire you.*

Workers also indicate that some factories select workers based on their physical appearance, fitness or beauty:

- *They do not recruit workers of short height.*
- *If you are thin and small they don't select you.*
- *Chinese supervisors prefer to recruit good looking applicants.*

From both the focus groups' and interviewees' responses it appears that the recruitment process has been simplified. In the early development of the industry, intermediaries played an important role. Now, workers find jobs by themselves after learning from peers or relatives about factories that are looking for workers. Some prospective workers learn about job openings from announcements posted at or near factories (see Figure 1). The selection process often consists of a review of the CV and a sewing test, but some factories do not even require these, and recruit workers directly, deferring the decision on whether to extend a contract or not to a worker during the probation period.

The evaluation process apparently does not take into account previous qualifications and education, at least for women: those with up to 12 years of schooling find themselves in the same position as others who had not completed primary school. Among men, however,

additional schooling can provide a better chance to be hired for more-skilled jobs that pay better wages.

Workers feel that employers are less willing to hire union members, especially males. Men are seen as more likely to complain about working conditions and to strike:

- *Female workers do not strike, but male workers, especially the stronger ones who carry or pull heavy things, do strike.*
- *Male workers do strike; female workers do not have the courage for demonstrating.*

According to the unions, jobs that require physical strength that once were considered as men's positions, like ironing, cutting or printing have been restructured so that women can perform them.

In interviews with factory managers about discrimination in recruitment, managers felt they did not discriminate when recruiting either men or women for male- or female-dominated jobs respectively. They explained that women are the majority of the sewing workforce because more women than men apply for sewing jobs, and that sewing is traditionally a women's activity. Managers say:

- *We have 10 per cent male workers, mostly in washing, finishing, packing and fabric preparing departments that require physical strength. On the sewing floor we have only women.*
- *Women make up 80 per cent of workers, men 20 per cent: we recruit men only for jobs that require strength, not in other jobs.*
- *Why are there less men than women? Because fewer men apply, they are not discriminated by the factory.*
- *Women have small hands and nimble fingers and can work better with sewing machines. Other tasks, such as printing where one has to push heavy machines require more strength, and there we recruit men. But men can do everything; they can sew faster and stronger than women! The problem with men is their attitude, drug use, gangsterism, and they are difficult to handle and do not listen to others.*
- *For packing and quality control we recruit only men, for sewing only women, for cutting mostly men and few women.*
- *Women cannot work as an electrician, mechanist, or do heavy work. In these kinds of jobs we give priority to men. Otherwise all the rest are women.*

Figure 1. Job advertisement "US$80, monthly salary, factory sewing machine operators" Manchey, Phnom Penh, August 2011

One employer indicated that the recruitment process differs by workers' sex.

- *With men, we are really careful. The process of male worker's selection is very detailed and watchful: we check characteristics, skills, and knowledge. We really need to be very vigilant with male workers.*

The results of the quantitative survey show that 72 per cent of the workers reported that discriminatory practices exist in the recruitment process. Male workers tend to express this feeling more than female workers, 77 per cent versus 60 per cent respectively.

The workers' perceptions from the survey on the extent of discrimination support the results of the discussions. Female workers feel they are discriminated against on the ground of pregnancy; while male workers report that unionization is the major ground for discrimination against them. Other factors include sex discrimination, sickness, and a series of socio-cultural stigma such as lack of education, being poor, having a dark skin, not being beautiful, or coming from the countryside.

Chart 1. Perception of discrimination

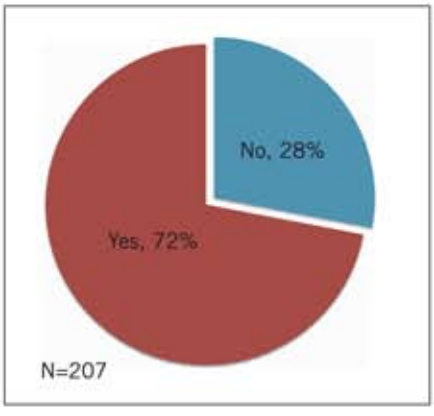


Chart 2. Discrimination at recruitment by sex

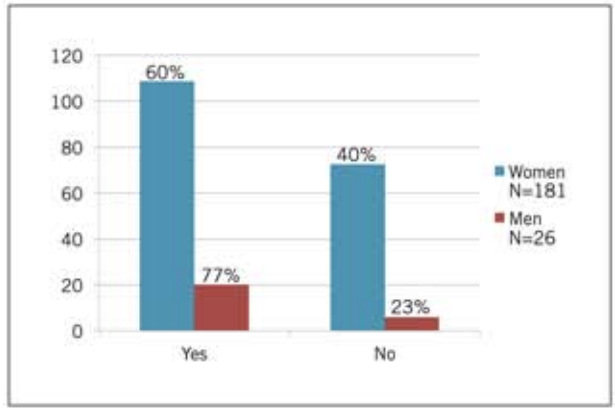
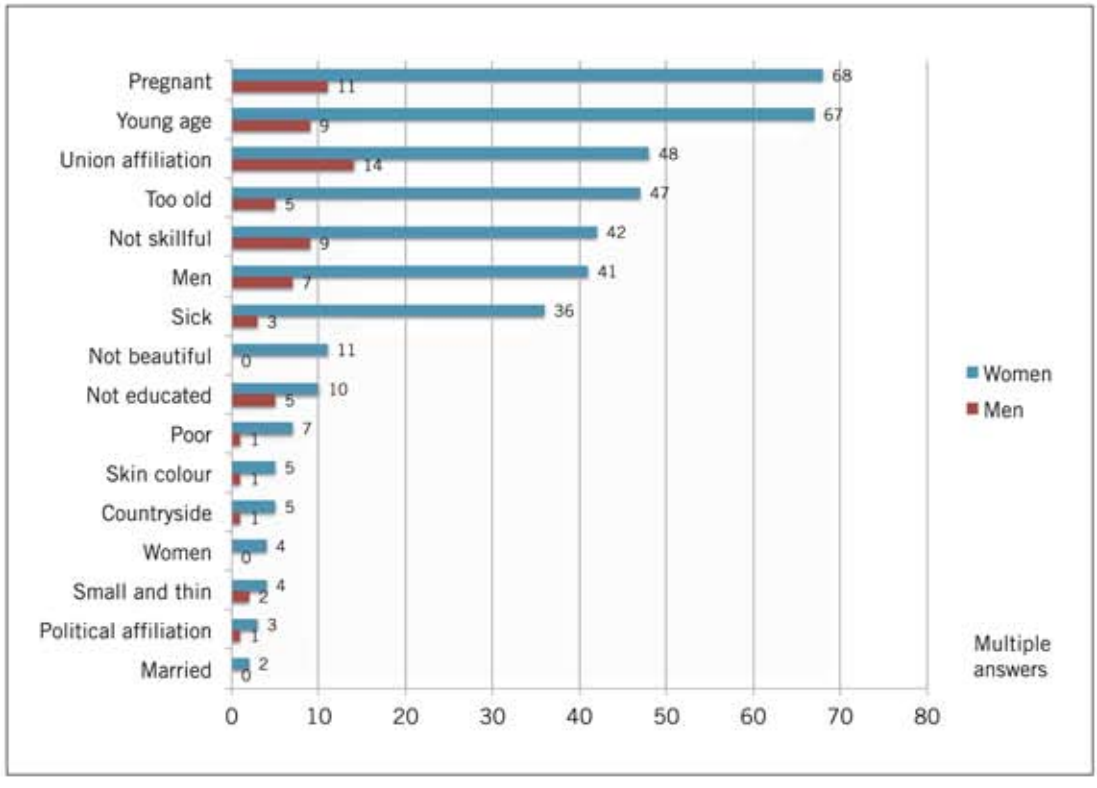


Chart 3. Grounds of discrimination at recruitment



Contracts

The contract policies adopted by the garment industry in the last five to six years have changed the relationships between workers and employers. Many undetermined duration contracts (UDC) have been changed into fixed duration contracts (FDC), which are short-term, mostly three to six months long. This issue has become a major source of disagreement between employers and workers as the labour law is interpreted in different ways. In decisions of the Arbitration Council, the independent body mandated under Cambodian labour law to solve collective labour disputes, the law states that after two years of short-term contracts workers should be granted a contract of undetermined duration. However, others read the law to say, for example, that the total duration of FDC contracts can be unlimited as long as no single contract is longer than two years. This new interpretation of the contract agreement between workers and employers contradicts decisions by the Arbitration Council, and has given rise to criticism by many international and national labour rights specialists and the unions (Lowenstein 2011).

The consequences of this change are significant: The FDCs allow factories to terminate employment without a strong justification. This denies seniority and the progressive career advantages related to it, increases employment insecurity and discrimination; and increases the power of group leaders, supervisors and managers over their subordinates. As highlighted in some workers' quotes in the previous chapter, workers with short contracts cannot refuse overtime and must comply with managers' requests. Workers with short contracts find themselves in a situation of never-ending probation during which they are patronised by their group leaders and supervisors.

In one of the group discussions, workers from a factory that had adopted the practice of using FDCs explained that their group leader was their workers' representative, their union leader, and their money lender, as well as the reference person for access to training provided by NGOs and international organizations, such as the BFC programme. The union that this group leader was leading was set up by the employer, who had used it to boycott the previous union that was independent. It was also reported that the contracts of the workers trying to set up a new union were systematically not renewed.

Short contracts have negative repercussions on benefits at the end of contract, on seniority bonus and on annual and other leaves. They expose workers to employment insecurity in case of sickness and pregnancy and make it easier for employers to discriminate against union members and activists.

FDCs also progressively reduce the cost of labour and the compensation to which workers are entitled, even if this type of contract entitles workers to receive a 5 per cent severance pay at the end of the FDC. This is attractive to workers who rarely can accumulate this much extra money. The UDCs entitle workers to a dismissal indemnity that is larger than the severance pay. However, the wave of factory closures without honouring workers' rights to end-of-work indemnities without sanctions for such violations, have encouraged workers to accept FDCs in order to at least get the 5 per cent severance pay. Some union representatives also indicated during the interviews to consider it in the best interest of the workers and the employers to give up employment security in exchange for the 5 per cent compensation provided at the end of the FDC.

However, the research team found that not all employers prefer FDCs over UDCs. One factory visited during the study has reverted back to UDCs in order to secure their workforce of experienced workers, after the factory faced difficulties in retaining its workers which in turn jeopardized the quality of its products.

The contract duration influences the extent of employment benefits and was constantly raised by workers during the focus group discussions and the interviews. The consequences for female workers are particularly important in the case of pregnancy and maternity. While all pregnant women are entitled to maternity leave for a minimum of 90 calendar days under the Cambodian labour law, only women with a minimum of one year of uninterrupted service in the enterprise are entitled to maternity benefits. Workers also report that short contracts put their annual leave entitlement at risk too, as workers and managers may calculate leave entitlements for different types of workers on different types of contracts in different ways. According to the workers:

- *Before with UDC, it was not easy to fire workers, now with FDC they do not need to dismiss us, they just don't renew the contract.*
- *When a female worker becomes pregnant and is near to the time of delivery and the contract is expiring, they do not renew it.*
- *Sewing workers find lots of difficulties in getting two to three days leave, it is very strict. Other departments are better. Some factories do not allow sewing machine operators even one day leave. If they ask, their salary will be reduced, 5 per cent for each day. Workers do not dare to complain much because they have an FDC. If they are considered not good they will not be able to continue the contract.*
- *Most pregnant women with a short-term contract do not get their maternity paid. If we are pregnant, we are worried about short contracts. When delivery approaches we are concerned of losing our job and having a shortage of money.*
- *Whether or not workers are offered UDC or FDC for three or six months is related to how strong the union is in the factory.*
- *An FDC for three months is a vulnerable contract. A contract should be at least for one year so that female workers can get maternity leave. They should let the workers choose between an FDC or UDC.*
- *Taking leave with an FDC is very difficult, I have worked for three years already and I never take a day off; my friend worked for three years too and she was able to take only one day leave.*
- *At the time when many factories closed down, some workers requested to change their contracts from UDC to FDC as they wished to get 5 per cent of the salary as severance pay. Later they did regret it as they faced many problems with the FDC and lost the job security.*

In the words of a women factory union leader, this is what happened:

- *Some workers requested to change the status of their contracts from an UDC to a FDC because they were manipulated by the two other unions supported by employers in the factory. The unionists said: "In case you want to stop working in the factory, you are not entitled to get the 5 per cent benefit with an UDC, however, it is possible with a FDC". And, they said "you worked at the factory for long, why don't you just consider changing your job and do something else and get the 5 per cent benefit from the factory?" Now the permanent workers are only 47 out of nearly 1,000 workers. The unions who influenced the workers' decisions to change their contract status were arranged by the factory owners, they are here to disrupt our union's work and to create confusion. They lured the workers in actions that are against their interests.*

The perspectives of employers on contractual issues vary according to their industrial culture and objectives. Some managers tend to be pro-FDC, while managers who focus on productivity and production quality prefer UDCs:

- *All workers are on six months FDC because they prefer it. Before they had an UDC but now they all changed because if they stop they do not receive the severance pay, while with a FDC they get the 5 per cent. Many workers stop before the end of the contract and the unions create lots of difficulties. Workers always wish their rights are respected, if their rights are violated they do strike!*
- *All workers are on a FDC, they are very happy with FDC because they get a 5 per cent payment by the end of the contract… Unions can destroy a factory, I have seen factories that were closed down because of unions.*
- *Our contract policy is moving back from FDC to UDC because we want to keep more workers, especially good skilled workers to perform high quality production with many small and difficult details… Concerning unions, they are quite narrow-minded, and can do a lot of harm to a factory, but we can deal with them, unions are part of a factory environment.*
- *We have invested a lot, we have a modern and advanced high quality production and we have very important buyers: our philosophy is a fair salary, a good environment, facilities for workers, a canteen to eat lunch. 80 per cent of the workers are on UDC contracts. We have an independent union which is quite strong, there are not many small ones, and we get used to negotiating with them.*

Table 2. Employment contract by sex

Contract	Women	Men
Probation	13	2
FDC 3 months	41	11
FDC 6 months	56	13
FDC 8-12 months	9	0
UDC	75	3
No contract	12	3
Don't know	2	0
Total	208	32

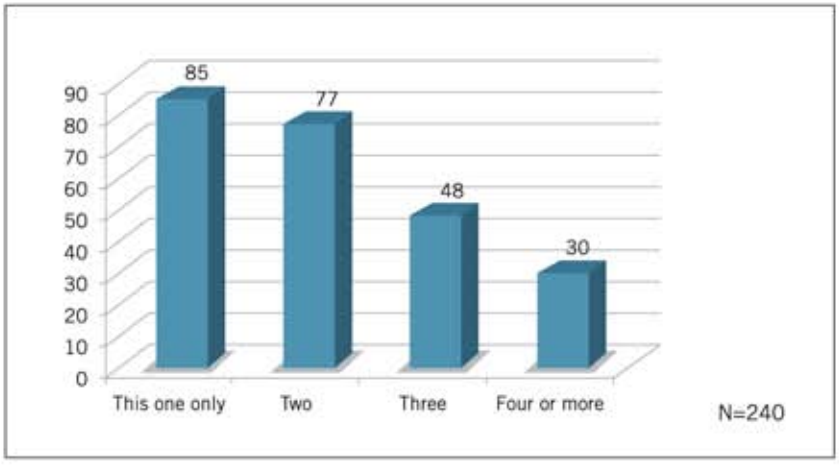
The distribution of type of contract among the 240 interviewees' appears in Table 2. More than one in every two interviewed women has an FDC, while almost one in every three women has a UDC. Among the men, three-quarters has an FDC.

Employment length and turnover

An effort was made to calculate the average length of employment because data on labour turnover rates in garment factories are not available to the public. However, many workers faced several interruptions in their work history due to factory closures, family problems, maternity, sickness and other factors. As a result it was not possible to obtain reliable data from the respondents' answers.

Many workers change jobs: 32 per cent of the interviewed workers have switched factory at least once, and a similar percentage have done so at least three times. The reasons for changing are listed below, and provide an important insight on the kind of problems workers face, how they cope and react to working conditions and accommodate family obligations.

Chart 4. Number of factories that respondents worked in



Major reasons for changing factory are linked to workplace issues, and even if workers have family obligations or other personal reasons, those are not so preponderant. In addition several personal and family-related" reasons reflect work demands (e.g., the need to care for a sick relative).

Among the workers who changed more than one factory, 49 had been dismissed at least one time. The most important reason for dismissal is factory closure. These results challenge the belief that workers' attitudes toward employment are the cause of the high turnover, but indicate that working conditions, and factory closures and changes in ownership lead to a high turnover.

Table 3. Reasons for changing factory – Open question with multiple answers

Contract	Women	Men	Total
Work-related:			
- Factory closure	33	3	36
- Working conditions	89	23	112
- Layoffs, contract not renewed	11	1	12
Family-related:			
- Maternity, to help on the farm, to provide care to child or other relative, etc.	27	2	29
- Other (Marriage, sick, tired, etc.)	22	3	25

Working conditions

Position and tasks

The majority of garment manufacturing factories in Cambodia assemble clothes from imported fabric, based on designs provided by buyers. The cut-make-trim production involves a series of steps: checking fabric, preparing and cutting it, sewing, trimming, checking, repairing, washing, ironing, folding, packing and storing. Some items, like jeans, require special processes, such as bleaching, colouring and decorating. Mobile teams move items from one department to another; maintenance teams repair sewing machines, the electricity plant or other systems; other teams unload raw material and load containers; guards assure security and check workers at the exit. The administrative and management unit includes various levels of management, administration, human resources and other office tasks.

Sewing is the core of the industry: this is where most of the workers are concentrated, and where management's control is most intensive. A medium-size factory sewing floor is filled with workers, organized along a number of sewing lines, which vary according to the size of the plant and its production integration. A line can consist of 100 workers if the steps needed to get the final product are integrated: in that case most of the processes needed to produce an output are accomplished along the line, and the output is a finished item. Where the production is less integrated, sewing lines are shorter (around 30 workers) and outputs are sent to the different departments for the other steps.

As mentioned, sewing jobs are female-dominated, although some men also do this. The tasks carried out predominantly by men are maintenance and repairing of sewing machines, some washing processes, loading and unloading containers, including the wood needed for the heating plants alimenting the ironing departments. In the departments where work is heavier, such as cutting, packing and moving, washing or printing tend to have more male workers, but not exclusively. Ironing was once considered men's work but increasingly women have replaced men in ironing. In all departments that employ both women and men, women tend to operate the sewing machines and men use other machines, for example to cut or press clothes or repair sewing machines. The sewing machine mechanics who are mostly men, play a crucial role because sewing machine operators' ability to work quickly and without imperfections depends on the prompt and skilful repair by a mechanic.

Some preliminary data on the profile of managers were collected from the interviews with workers, managers and unionists, not from the quantitative survey. Asked about the nationality and sex of managers at the different job levels, it seems that high-level managers normally come from the same country as the factories' owner, and factories tend to preferentially recruit foreigners up to the level of supervisor. The group leaders and the sewing machine operators are usually Cambodian women.

Table 4. Likely nationality and sex along the garment factory job hierarchy
(interviews with key informants and selected workers)

Position	Most likely sex	Most likely nationality
Owner	Men	Foreigner
General manager	Men	Foreigner, seldom Cambodian
Administrator	Women and men	Mostly Cambodian, few foreigners
Supervisor	Mostly women, some men	Foreigners, mostly Chinese, some Cambodian
Group leader	Women	Cambodian

The few men employed in the sewing departments do not seem to be advantaged over women in terms of work intensity or wage level. However, according to the workers interviewed, the men, especially the male sewing machine mechanics have more favourable working conditions, especially in terms of work intensity.

- *I observed that men have more opportunities to get better work within the factory.*
- *Men have a lot of free time in the factory. They are sewing machine mechanics and they do not have so much work to do, the machines are not always broken. When they have free time, they can go around freely in the factory, chatting and flirting with women. For us it is different, as soon as we have finished our task we are moved to another department to help with other work, we never rest.*
- *If female workers finish their job they are sent to help some other sectors, we never have free time at all. If we finish our sewing work, we are asked to help folding clothes with other groups; but men can sit and wait until a machine gets a problem.*

The interviews with the employers confirm their views on why they select workers of a certain sex for certain tasks or for a certain job level.

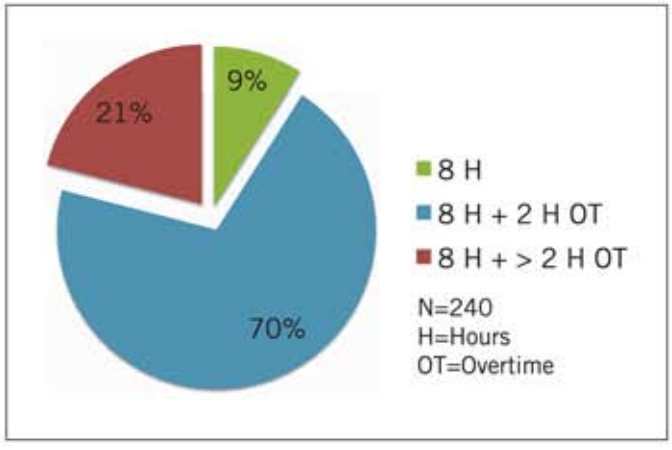
- *Women cannot work as electricians, mechanists, or engage in heavy works. For this kind of work we give priority to men. But we have women in all the other positions and in the administration.*
- *Cutting is done by men and women, men generally take care of cutting (done with a machine) and women in preparing the fabric.*
- *Generally men are more educated than women and we keep them for more difficult tasks such as quality control.*
- *Group leaders are women or men, while higher positions, such as supervisors, are mostly men. In the cutting department there are men, the cutting machine is difficult to operate. Of course, sewing machine repairers are all men, how could women do that …*

Working hours and overtime

Cambodian labour law sets working time at six days of work a week, eight hours a day. Generally factories start working at 7 a.m., stop for lunch for one hour, and finish at 4 p.m. The large majority of workers work overtime which lengthens a normal working day to 10 hours, ending at 6 p.m. During busy seasons workers might be requested to work overtime until 8 or 10 p.m., and sometimes even later and/or on Sundays.

According to the labour law, overtime (OT) should be voluntary and limited to two hours per day. In April 2011 BFC reported that only 25 per cent of the monitored factories limited daily OT to two hours (ILO-BFC, 2011b). The interviewed workers also mentioned that OT is considered normal. Only 9 per cent of the workers in this sample regularly worked only eight hours per day.

Chart 5. Daily working hours



Many workers described the pressure they face to work overtime.

- *I worked one year and half and until now I have worked overtime every day, more than two hours a day, coming home at 8 p.m. or later and even on Sunday. Today I'm free because the factory has experienced a power cut and it needs to repair the power system. If I refuse to work overtime the supervisor threatens not to renew my contract. I'm on a three-months contract.*
- *We were forced to do OT. If you refuse, then there would be no more work for you to do.*
- *We asked not to work overtime on Saturday evening; our group leader pointed the finger at me and talked to me impolitely and threatened to force overtime.*
- *They force us to work overtime, it is very strict, they force us to work as they want and scold us if we do not do overtime.*

But most workers also reported that they need OT work because their minimum wage is so low. Overtime, which is paid 150 per cent of normal hours and 200 per cent more if done at night, Sundays, or public holidays, provides workers with extra pay. The problem is that workers lack the power to negotiate when and how much overtime they will work, but must comply with the factory requests.

More men than women work just eight-hour days. Fifty-one per cent of male workers arrive home before 6 p.m., while only 16 per cent of the women workers get home before that time. Overtime work on Sunday is less common. Only 3 per cent of the workers reported that they normally work on Sunday, 13 per cent said they did so often, 36 per cent said rarely and 48 per cent said never.

Chart 6. Working hours by sex

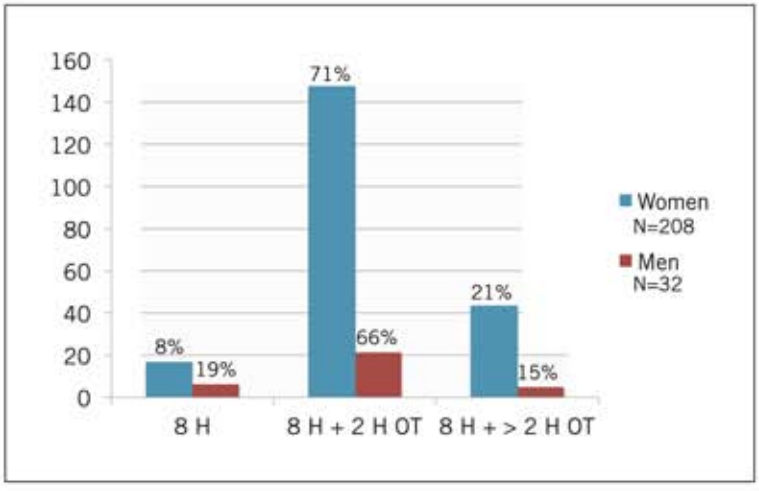
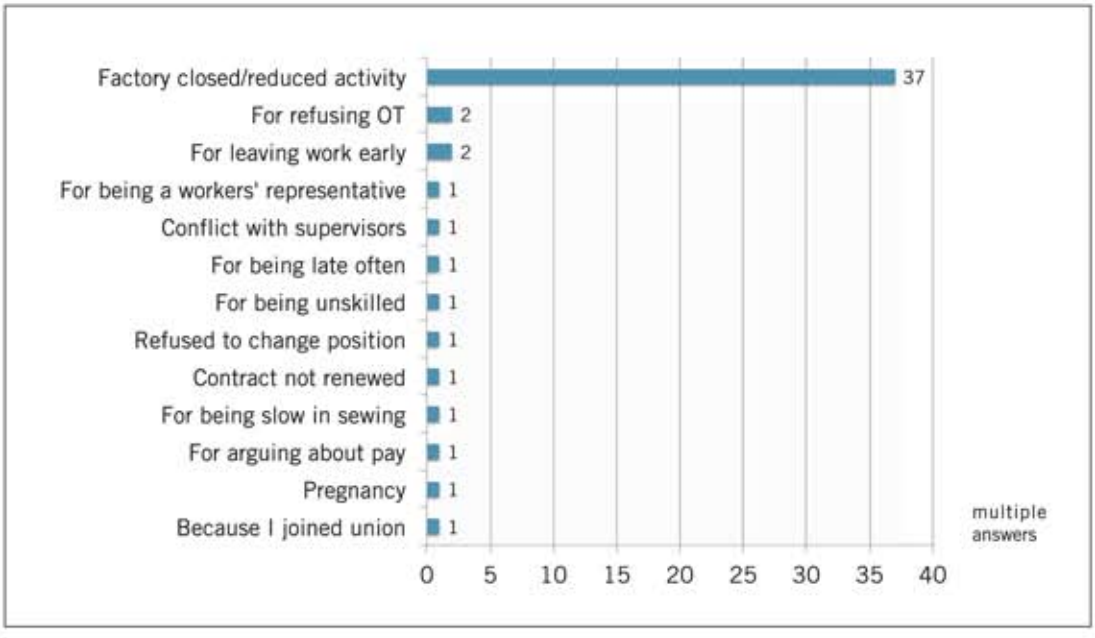


Chart 7. Reasons for dismissal



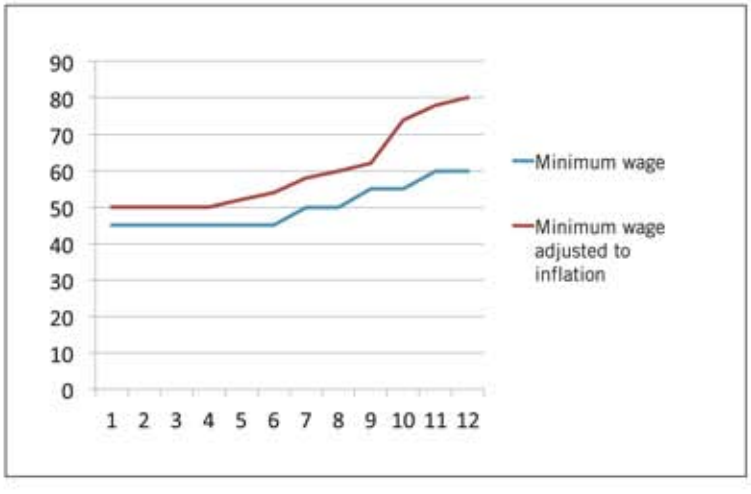
Wages

The minimum wage in the Cambodian garment industry which corresponds to US$61 a month is for eight hours a day, six days a week. For piece-rate workers, the law stipulates that those who work eight hours a day for six days a week must receive the minimum wage if their piece work rate pay is not at least this high. Yet one interviewed workers said, "When the factory agrees to increase the minimum wage, they cut down the price of each piece" which effectively increases the number of pieces they must produce.

The minimum wage is not sufficient for the reproduction of the labour force, that is, forming a family, and has not kept up with inflation. One worker pointed out, *"We need to work hard to earn as much as possible, because we have a lot of expenditures: house, water, electricity, rice and food and we need to save to meet other unexpected expenditures such as illness"*.

Since the approval of the labour law in 1997, the garment and footwear industry in Cambodia is the only one for which a minimum wage has been set. The first minimum wage was set in the same year at US$40 per month, for eight hours per day, six days per week. In 2000, the minimum wage was increased to US$45. In early 2007 the minimum wage for garment workers was set at US$50 per month. In June 2010, the tripartite Labour Advisory Council increased the minimum wage to US$61 for regular workers and US$56 for workers on probation after long negotiations with trade unions and general strikes in the sector (far below the US$93 that some trade unions had sought). Seniority and attendance bonuses are provided and since 2010 a food and living allowance at US$6 per month was added to the minimum wage, but not all factories complied in providing this allowance to workers. An additional monthly US$5 health allowance came into effect in January 2012. Furthermore, the attendance bonus was increased up to US$10 per month and an accommodation allowance of US$7 per month was added in September 2012. Each of these improvements has been the result of workers' initiatives and mobilizations, intense negotiations and civil society involvement.

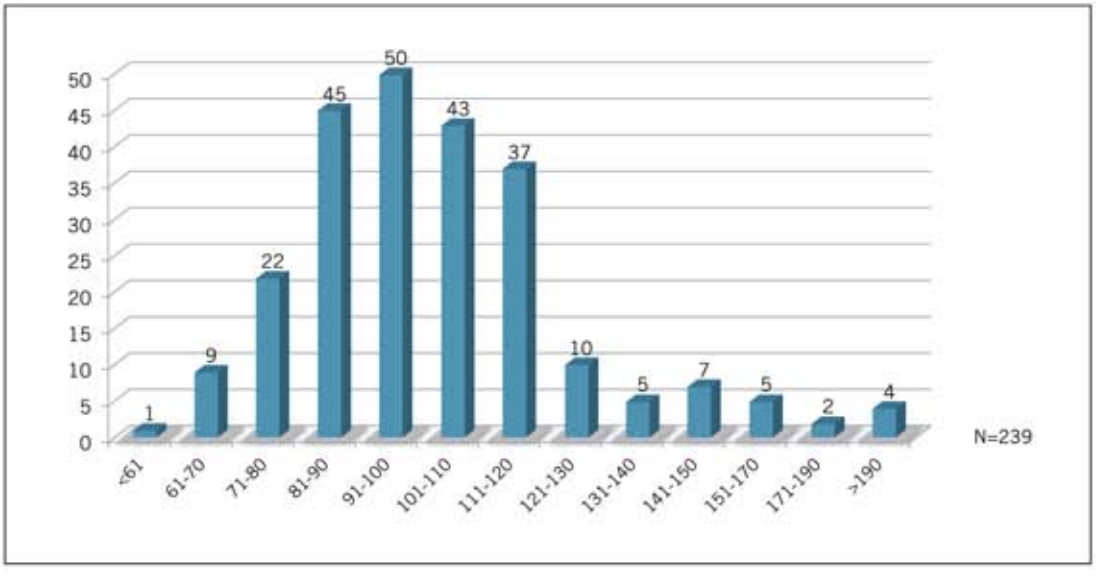
Chart 8. Minimum wage trend adjusted to inflation



However, during those same years, Cambodia has seen major trends in inflation. The National Institute of Statistic Consumers' Price Index for May 2011 calculated an increase of 8.3 per cent in price of food and some items price such as meat, fish and eggs have increased more than 15 per cent in the last year. An increase of prices of 4.3 per cent in house, water, electricity and gas, and of 6.8 per cent in prices of transportation has also contributed to the decrease of the purchase power of workers, their capacity to make a living, support their family, save money or send remittances at home. Chart 8 shows the differences between the actual minimum wage (in red) and how the minimum salary should have increased in order to cope with inflation (in blue). The disparity reflects the reduction of workers' purchasing power. Were the blue curve calculated only for food and transportation prices, differences would have been even larger. (National Institute of Statistics, ADB, IMF).

The low minimum wage leaves workers with no other choice than to work overtime, when the factories calls for longer working hours in order to get the bonuses and incentives that can substantially raise their pay. The average pay among the 240 workers interviewed in this study was US$105.6 per month, with a minimum value of US$60, a maximum of US$260 (which was an isolated case), and a median value of US$100.

Chart 9. Distribution of workers by wage range in US$

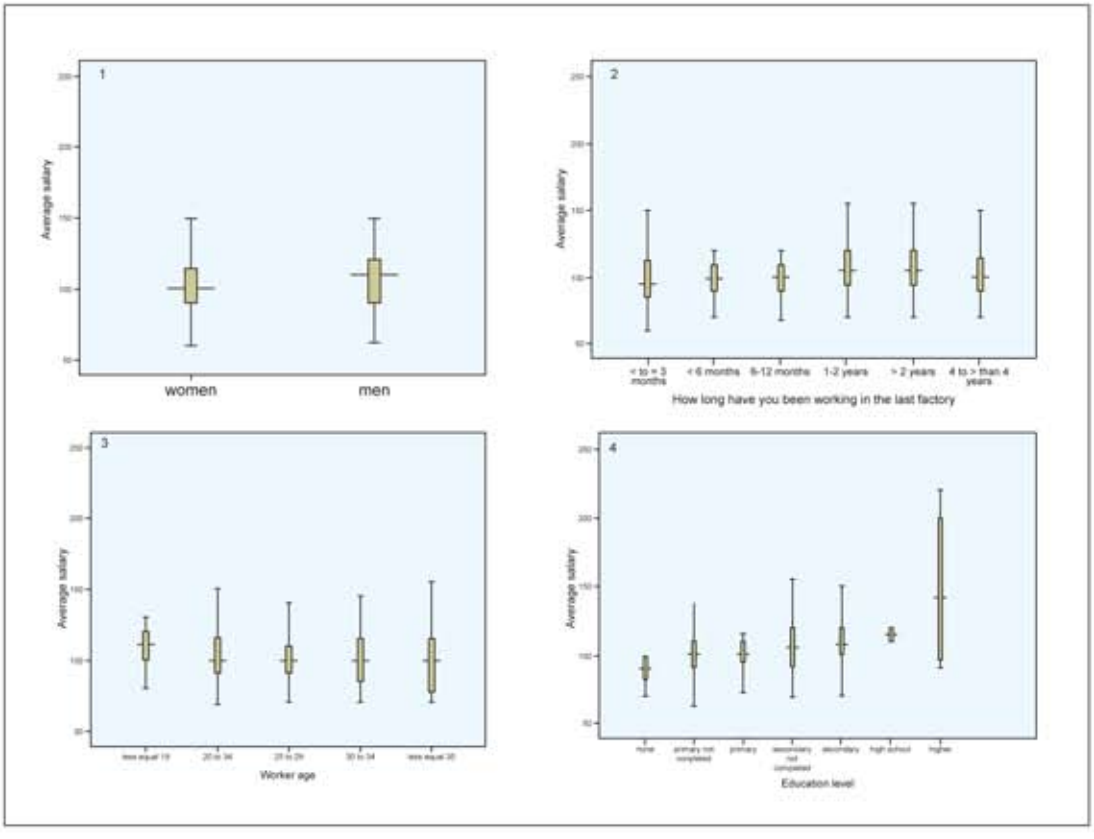


Although male garment workers earn more than female workers: US$112 versus US$104 (see chart 1 in Figure 2 below), the difference is not significant and stems partly from such factors as workers' age, education and experience. Earnings increase with age and years of education (see charts 2 and 3 in Figure 2 below), but decline with years of experience. Its failure to rise reflects, in part, compensation systems that fail to recognize any wage levels except a probation entry salary the minimum salary of US$61.

In chart 2 of Figure 2, means are grouped by length of working experience and they tend to decrease in the group with longest employment, which is quite unexpected. In chart 3 the group aged 19 years or less has the highest salary. The relationship between salary and education shows a consistent increase of wages with higher levels of education (chart 4).

The important weight of overtime (OT) and benefits in the wage composition may explain these findings: younger workers under the pressure of their families intensify their efforts and work longer hours to maximize their wages. The lack of recognition of seniority deriving from the widespread utilisation of FDC also for workers with long employment experiences, may explain while salaries do not increase with the employment years.

Figure 2. Average salary by workers' sex, age group, employment length and education



The segregation of female and male workers into different jobs in the industry may also contribute to the earnings disparity, as some focus group participants suggested.

- *Men are paid more than us, women; they are in a different category and receive a fixed amount that is higher than ours. But not all male workers receive higher wages than us. Male workers who are recruited temporarily, for example, for 25 days to load or unload containers or similar tasks, do not get higher salaries.*
- *If we discuss about equality in pay, male workers will say that we cannot compare our salaries because women work in the sewing sections and men work as mechanics.*

Some of the managers claimed that men's higher qualification explain men's higher pay.

- *Differences in salaries are due to qualifications, men are more qualified.*
- *Men in general are more educated than women, so we assign them to work in the quality control department where wages are higher; a sewing machine operator's monthly salary is US$91-95, in quality control monthly earnings are around US$100-150.*

As noted, workers can supplement their earnings by working overtime. The average monthly overtime payment is US$25 for women and US$29 for men. According to the workers who were interviewed, overtime pay can be as little as US$8 or as much as US$100 depending on the working hours. This variation is unrelated to workers' seniority or education.

Bonuses

As mentioned earlier, workers receive a number of allowances. Among the respondents, 92 per cent (220 workers) receive a monthly attendance bonus of US$7 which is given to workers who are constantly on time, are present every day and do not take leave. Only 40 per cent of the respondents (96 workers), receive a seniority bonus; and 64 per cent (155 workers) receive bonuses for accommodation, motivation, quality, production, overtime and other bonuses that various factories offer. Among the 240 interviewed workers, 44 workers had received more than three types of bonuses, and one highly educated man who worked in quality control, reporting having received six bonuses in addition to his monthly salary of US$220. A specific calculation of the bonuses was impossible because some workers tend to group all their bonuses together and many were not sure of the exact amounts of the wage and the allowances.

Although factories vary in the use of bonuses, in general, absence and leave negatively affect the bonus. Bonuses can be divisive, forcing workers to compete with each other and pressure them to work rapidly. This was reflected in an interview with one employer:

– *We give a US$150 production bonus to each assembly line (of 30 workers) which reaches the target, and the group leader is in charge of distributing it among the best workers.*

Opportunities for advancement

For the majority of the workers there is no opportunity to advance within the garment industry. The only promotion open to workers is to become a group leader; the supervisory and administrative positions are not open to workers with low levels of education. The export-oriented garment industry depends on the availability of cheap labour. This deters the evolution of the workforce, its qualifications and career development within the factories. Only when factories evolve toward more investment- and technology-intensive processes and products are branded, do workers' qualifications become an asset, but such factories are the exception rather than the rule. As one manager said:

– *We are here just to make money, if there is no profit we will leave.*

5. Women's reproductive roles

Women's reproductive roles are difficult to accommodate within the normal working conditions in the garment factories. The only reference in the labour law to pregnant workers concerns the prohibition of heavy lifting during pregnancy. On maternity leave, the law states that workers are entitled to 90 days maternity leave, and that workers are entitled to half of their salary during leave after one year of uninterrupted work. The law provides for two 30-minute periods for breastfeeding for the first year after giving birth, and childcare in factories with more than 100 female employees. The childcare provisions can be replaced by monetary subsidies.

Pregnancy

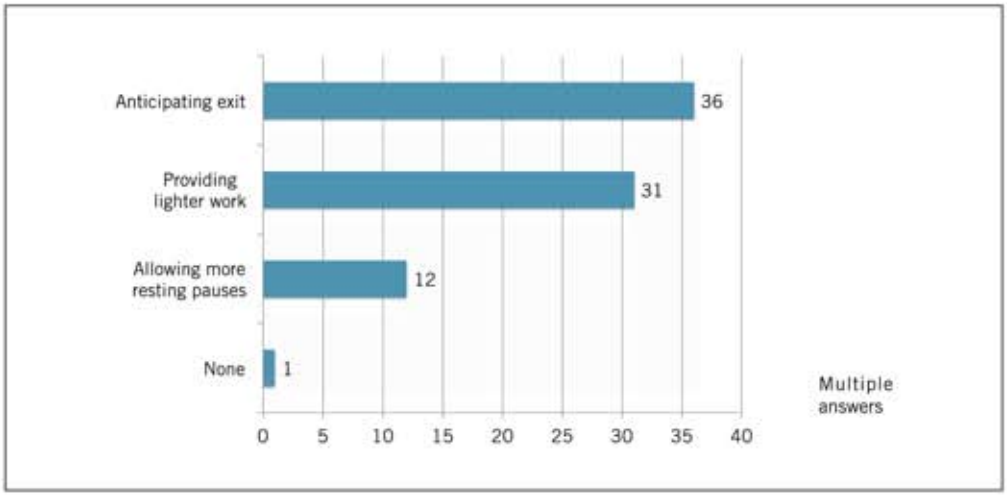
Pregnancy can require women to reduce workload and working hours depending on the type of work involved, and this is true for many of the jobs at the garment factories. The sewing assembly lines do not easily accommodate the needs of pregnant women such as increased eating and drinking, and frequent use of the toilet; control of nausea and other discomforts like lower limbs circulatory problems. This can slow down and affect the pay of the entire group working on one line. Some factories move pregnant workers to other sectors to preserve the sewing line rhythm. Reducing workload or hours impacts women's salary and production bonuses, at a time in their life when they need to money for their own and their child's medical needs.

Generally pregnant workers found it difficult to cope with the working conditions, especially if they work with a FDC contract which exposes them to the risk of non-renewal of their contract. A six-month contract does not entitle a pregnant woman to maternity leave benefits, and leaves workers dependent on factories' internal rules and good will. According to the workers interviewed:

- *To be pregnant is not easy. When pregnant we feel sick and tired, sometimes the feeling is really bad (chanh kuon in Khmer) and it is very difficult to work in the factory. We get tired easily, we vomit, we need to pee often, and all these things are interrupting the speed of the work. Group leaders as well as colleagues address pregnant women with tough words: "Those who cannot work please stay at home!" They say that pregnant women are slow, late, get sick and take leave often.*
- *Now that I'm pregnant and when I walk to the toilet, everyone looks at me with strange glances, in particular the group leader. The group leader prefers not to have pregnant women. Group leaders are arrogant.*
- *If the owner knows that we are pregnant, our contracts are terminated.*
- *We try to hide pregnant women in the sewing line and not to reveal their status so that they can get their contract renewed. I (group leader) help them to plan the pregnancy so that the contract renewal does not come when the belly is already big and they can continue to work and get the maternity leave.*
- *We work with FDC, renewed every six months. If a worker becomes pregnant, it is not easy for the contract to be renewed. All depends on the group leader and the supervisor. If the worker comes back to work after the delivery, she is hired as a new worker and must complete a probation period again before getting a new FDC.*
- *Most pregnant women do not get their maternity paid with the short contracts. If a worker becomes pregnant, she starts to worry about non-renewal and when the delivery comes, a worker does not have sufficient money to pay for medical care.*

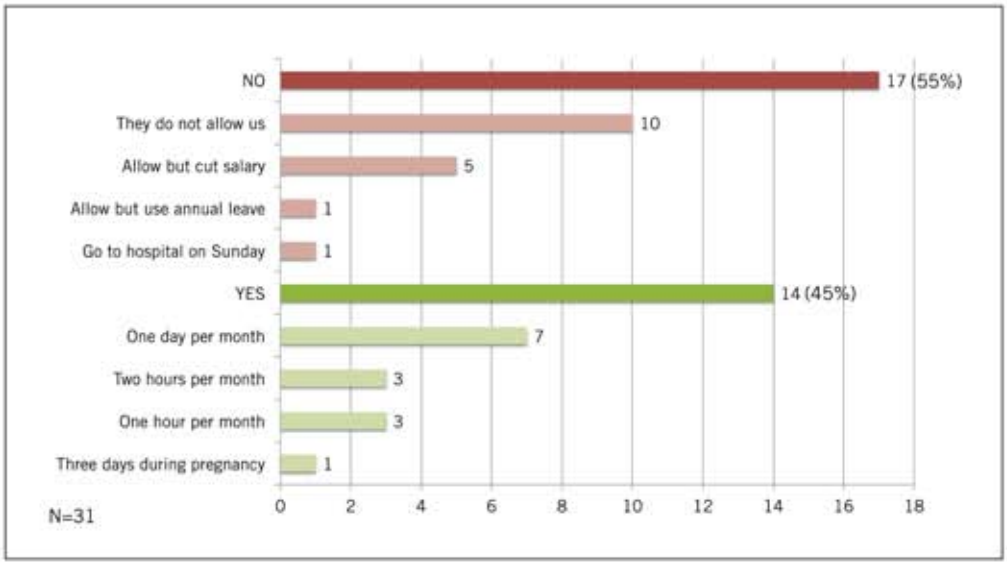
Nonetheless many factories have adopted specific policies to accommodate the needs of pregnant workers: allowing them to exit before the mass of workers at lunch and at the end of the work day to avoid the crowd; permitting pregnant women time for prenatal medical check-ups and providing lighter duties. The most common measures were letting pregnant workers leave five to ten minutes early and providing lighter work but one factory provided none of these. Only a few provided more rest time.

Chart 10. Measures to accommodate pregnant workers



Prenatal medical checks are important for a healthy pregnancy but only 45 per cent of the concerned interviewees indicated that they had been able to go for a medical check-up during their pregnancy.

Chart 11. Access to prenatal medical checks



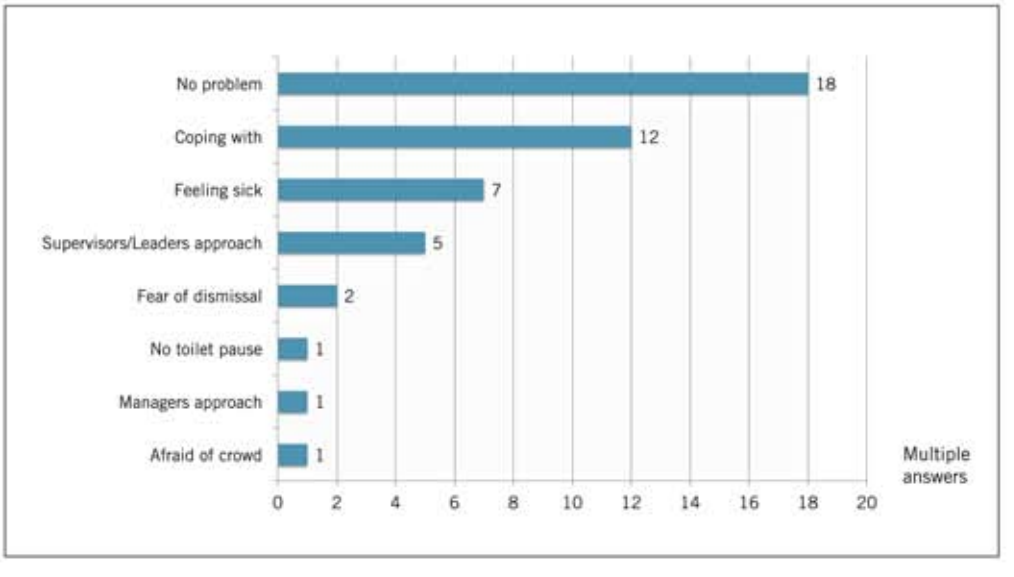
In the words of the workers: Pregnant women are permitted to get one hour break from work for a pre-natal medical check. However, due to travelling and the waiting time in the public hospital, workers prefer to be absent for a half day or even for a full day. Of course they will have their salary cut.

– *We can request permission for a medical check for one hour, but the health centre is far and there are lots of women in the queue and we must wait.*

A manager in a factory that allowed leave for one hour for the check-up, said: "We let them have a half day, or even a full day if needed; then they can make up the time by working on Sunday".

In the interviews the managers all emphasized their willingness to support pregnant women and during the factory visits pregnant women could be seen leaving for lunch before the rest of the workers. However, other work changes for pregnant women were not necessarily helpful. For example, a manager who said, "We move pregnant women to the trimming department where the work is lighter" had responded to a recent request by an ILO-BFC monitoring team to provide chairs to trimming team workers, by saying: *"We know that with chairs they will sit and talk and the work will slow down; trimming workers should stand"*.

Chart 12. Problems faced by pregnant workers



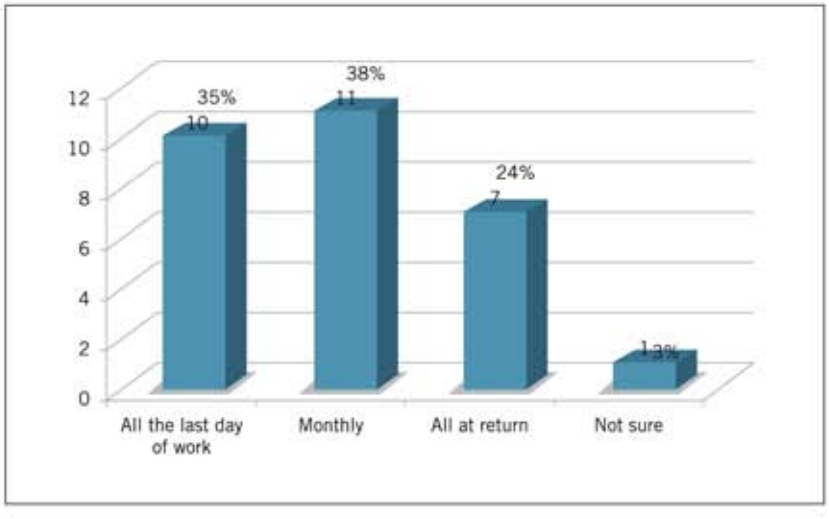
In general, the most important problems pregnant workers experienced were the pace of work, sickness and fear of dismissal, and reproaches by supervisors, managers or group leaders. Several pregnant workers also reported that they continued overtime work with working days of 10 hours for as long as possible but that this was physically very demanding.

Maternity leave

Articles 182-183 of the Cambodian labour law stipulate that employers must provide employees who give birth 90 days (three months) of maternity leave. Employers must pay employees who have at least one year of seniority half their wages and benefits during maternity leave. Employers should calculate the payment on the basis of the employee's average salary during the last 12 months prior to departing on maternity leave, not on the basis of the minimum or wage. Many factories do not comply with the law and pay only 50 per cent of the minimum wage without including the benefits in the calculation. During the focus group discussions it was found that many workers, including union members, were not aware of this provision of the law.

- *I am a union leader, but I did not know that we are entitled to 50 per cent of the salary and the benefits.*
- *First the factory gave me US$80 for three months maternity leave, but after I complained to the union and the union representative talked with my employer, I was finally paid US$94 for the three months of maternity leave.*
- *Another issue of concern to women is getting the maternity-leave payment on time.*
- *I have just learned that we should get our maternity pay prior to departing for maternity leave.*
- *In our factory, when pregnant workers leave to give birth, they do not get the leave pay in advance; the factory pays it only if we return to work after 90 days, and then we get 50 per cent of the minimum wage.*

Chart 13. Maternity leave payment



The quantitative survey confirmed these practices. Some factories pay the maternity leave benefits on the last working day before the worker's leave begins, some provide it at the end of each month as a monthly salary, and others pay the whole amount at the end of the leave when the worker returns to work. If a worker cannot come back, they lose their maternity pay.

Most female workers give birth in their place of origin because medical care in hospitals or private clinics in Phnom Penh is expensive and there are no affordable care givers available to garment workers in the place where they work. This makes it costly for workers to come back

to the factory every month to collect their maternity leave payment. Receiving the maternity benefit at the end of the 90 period exposes women to a shortage of money at a time when it is most needed. In comparison with other countries in the region the maternity leave benefits are the lowest in the region (See the box below).

The ILO Maternity Protection Convention: situating Cambodia

The ILO Maternity Protection Convention, 2000 (No. 183) endorses a maternity leave of at least 14 weeks, including a period of six weeks' compulsory leave after childbirth. The Convention states: "cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living" and "the amount of such benefits shall not be less than two-thirds of the woman's previous earnings." Countries should also: "examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave or increasing the amount or the rate of the cash benefits".

Cambodian labour law does not meet the requirements of ILO Convention No. 183: Cambodian labour law requires that employers must give employees who give birth 90 calendar days (three months) of maternity leave and must pay employees who have at least one year of seniority 50 per cent of their wages and benefits during maternity leave. Employers should calculate the payment based on the employee's average pay during the 12 months prior to departing on maternity leave, not on the minimum wage or basic wage. Table 5 compares maternity leave in Cambodia and other countries and shows that Cambodia has the lowest-maternity leave pay among South East and Far East Asian countries.

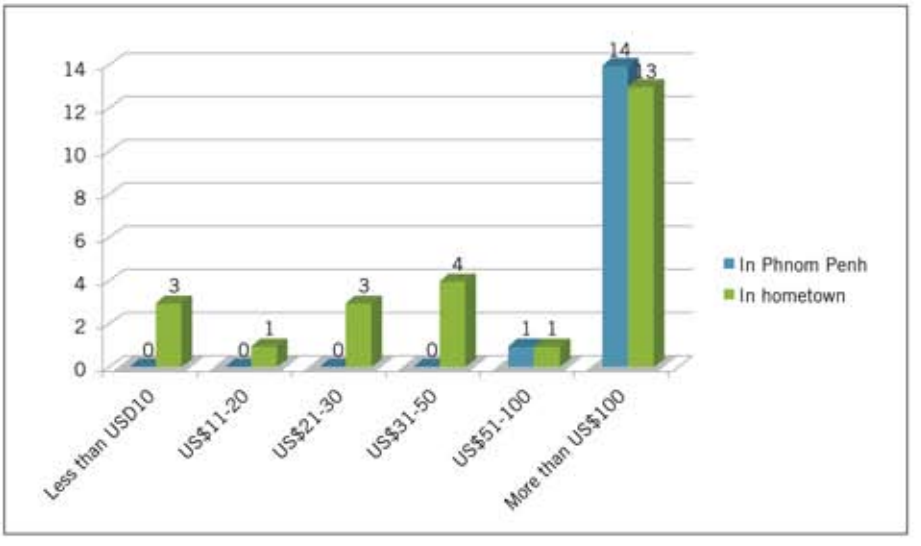
Table 5. Maternity leave and pay as percentage of the wage in the region

Countries	Weeks	% of wages	Countries	Weeks	% of wages
Australia	18	Minimum wage	Malaysia	8.6	100
Bangladesh	12	100	Myanmar	12	66.7
Cambodia	12.8	50	Nepal	7.5	100
China	12.857	100	New Zealand	14	100
India	12	100	Pakistan	12	100
Indonesia	12	100	Philippines	7.5	100
Japan	14	60	Singapore	8	100
Rep. of Korea	12.8	100	Sri Lanka	12	100
Laos	12	70	Thailand	12.8	100% for 45 days 50% after 45 days
Vietnam	16	100	US	12	0

Data source: http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm, with corrections based on countries' updates.

Cambodia has one of the highest maternal mortality rates (MMR) in the region – 461 per 100,000 live births in 2008 as compared to 437 in 2000. The problem persists although women are increasingly having pre-natal checks. The high mortality rate is linked to the accessibility and quality of medical care and the proportion of deliveries assisted by trained health providers. Deliveries assisted by trained providers remain generally low in Cambodia. It has increased only among the urban population and the wealthiest quintile of the population. The well-being of the children depends on maternal health and Cambodia continues to also experience high infant mortality.

Chart 14. Cost of childbirth



One of the problems related to the high maternal mortality of Cambodian women is the high cost of giving birth in medical facilities which makes the availability of maternity-leave and pay crucial. In addition, in view of the high cost of giving birth in Phnom Penh, the maternity leave allowance does not meet the basic needs of women and their babies.

The lack of available childcare in workers' settlements and other unpredictable problems arising from childbirth meant that only seven of the 37 women interviewed returned to work within the 90-day maternity leave limit.

As seen from the remarks by the women workers, other factors can also prolong maternity leave. For example, some babies do not tolerate artificial milk, or women cannot afford it.

For many women, the end of maternity leave means mothers must choose between returning to their paid job that enables them to buy formula milk, or quitting work, and breastfeeding their baby. In the words of the workers:

- *We do not have other choices than leaving the work; if we have to buy formula milk, the money will not be enough.*
- *I will stay at home for at least seven months. It is hard because my husband has a temporary job and earns very little. But if I work I will have to buy formula milk. When the baby is weaned I will bring him to the village and come back to work.*

Chart 15. Return to work after maternity

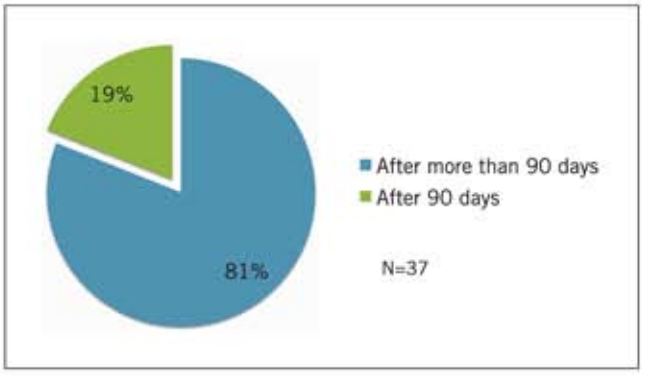
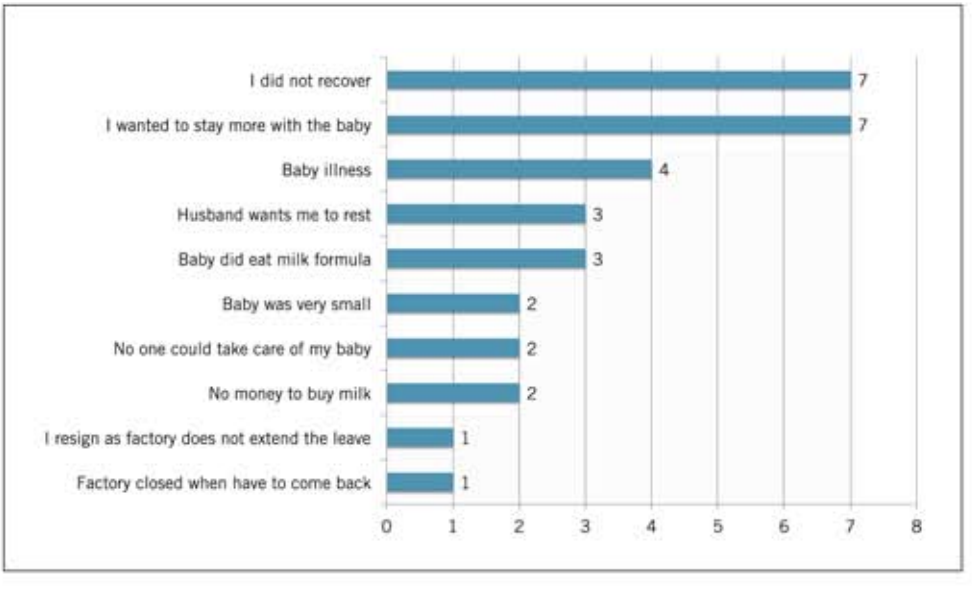


Chart 16. Reasons for extending maternity leave



Many women who live in a workers' compound stop breastfeeding before going back to work. The women who decide to send their children to their villages and return to work within 90 days have to send money home to buy formula milk and deal with the stress and anxiety of having the baby live far away. In the evening, many female workers gather around public phones to call home, asking "Did she/he eat?" Among the interviewees with children, just under half keep their children in Phnom Penh, while the rest leave the children with relatives in their hometown.

Some of employers adopt more flexible policies in order to accommodate mothers' need for longer recovery.

– *In case they do not recover yet, or they do not have baby sitters, they can ask for more leave days. We give them more leave (unpaid) as the most important thing for us is not to lose workers. Then for the next 18 months they will work only seven hours per day.*

Breastfeeding

Cambodian labour law allows women with babies an hour per day to breast feed, with the right to divide this into two half hours. Factories with more than 100 workers should also set up a nursing room for women with babies. Of the women interviewed, 10 mentioned factories that did not set up a nursing room, and two women were not allowed to bring their babies into the factory. Women can only take advantage of this opportunity when they live close to the factory, have a caregiver available while the mother is working, and the worker cannot do overtime.

Baby food and care is expensive in Cambodia: baby formula milk costs a minimum of US$10 per can, and a baby consumes two cans per month, and more as they get older. Along with other needs, such as bottles, napkins, and the cost of any needed medical care the costs of raising a baby can easily exceed the worker's earnings. This is why many women leave work and return to their village so that they can breast feed the baby at home, and many forego healthcare, because it is not available or affordable.

Among the respondents, the only worker who breast fed her baby while working was living with her mother. She benefited from a special arrangement on reduced working hours. Several women who changed factories after coming back from maternity leave did not have this opportunity and sometimes the new factory did not recognize their status as mother. One worker who returned to work within 90 days did not get any time for breastfeeding. However, in other instances workers who came back to work within one, two or three months were allowed to work one hour less a day. These examples which show the difficulties many women encounter in accommodating breastfeeding with work are consistent with those in another study of garment workers in two Cambodian provinces (ILO-BFC, 2010).

Childcare

Cambodian labour law states that factories that employ more than 100 workers shall provide mothers with either childcare or the cost of childcare. According to the interviews and group discussions, some factories do not comply with these obligations. Some factories have a childcare room, often a single small room for nursing and childcare, but the children are usually left unattended. The research team learned of about only five factories that pay US$5-10 a month for employees' childcare.

Inside the workers' settlements there are no or limited facilities for childcare, and working mothers rely on non-professional care which costs, on average, US$20 per month. This amounts to one-third of the minimum wage and is much more than the allowances provided by the factories for childcare for their employees.

In Dangkor, there is no primary school near the two major industrial parks that employ thousands of workers. In other places unattended children cannot walk to school because of the traffic on the road. The class hours of primary schools are shorter that the factory working hours, and this means that young school children must also have some childcare during normal working hours.

– *For small children, if we keep them living with us in Phnom Penh, we should hire caregivers and pay them. The caregivers are old women without a job. It is very difficult and you can not completely trust them as your parents. We do not know how they care and what they do with our children.*

– *My child goes to the Christian school. Before it was free of charge but now we need to pay for the school, US$3 per month for the poor and US$5 for the well-off. We requested to pay US$3 because we cannot afford to pay more.*
– *My child lives with my relatives in the village because the cost of the school is too high in Phnom Penh.*

A low fertility rate?

Many female workers who participate in this study are not married despite being at least 30 years old, which is considered to be late for women to find a husband in Cambodia. Many couples interviewed for this study have only one child. Other aspects of women's work in the textile industry may act to delay marriage and lower their fertility. Workers complain about health problems, and many experience poorer health after several years of work.

The NGO reproductive clinics in the industrial areas mention a high demand for abortion by women in the areas, not only by women who had sex before marriage, but also by married women who want to terminate a pregnancy because they cannot afford a new child. Safe abortion services are provided at a price, but women who cannot pay may resort to unsafe means of abortions which may lead to serious complications such as infertility or maternal deaths.

Garment workers are targeted by NGOs reproductive health education campaigns, which promote longer-term contraception such as hormonal implants lasting for 10 years or IUDs which can be kept in place for over eight years. Both methods can have important contraindications and should not be used in case of increased exposure to Sexually Transmitted Diseases (STDs), as is oftentimes the case in Cambodia. Moreover, they leave women unprotected to the risk of HIV transmission, which is high among married women due to the extramarital commercial sex consumption of their husbands. After the discussions with these NGOs, some predominantly led by male staff, the research team concluded that the contents of awareness raising campaigns do not reflect the true needs of women, are not supported by reliable surveys about their habits and experiences, and are instead informed by discriminatory gender norms.

Contraceptive campaigns and a number of initiatives to promote the use of birth spacing and family planning devices are allowed and supported by factory managers. The interest in controlling reproduction of women workers by employers should raise some concern in view of the problems faced by the workers who decide to give birth during their employment. This is not to say that reproductive health education and contraception are detrimental or not needed, but they have to be situated in the special context of the women workers, respond to their needs and help them to better negotiate their reproductive rights.

6. Workers' living standards and health

Low minimum wages, the long working days that this implies, together with family obligations, push workers to reduce their living expenditures to a minimum. Before examining workers' experience of illnesses while working, it is important to appraise their living standards as these contribute to the weakening of workers' health and increase their vulnerability to diseases.

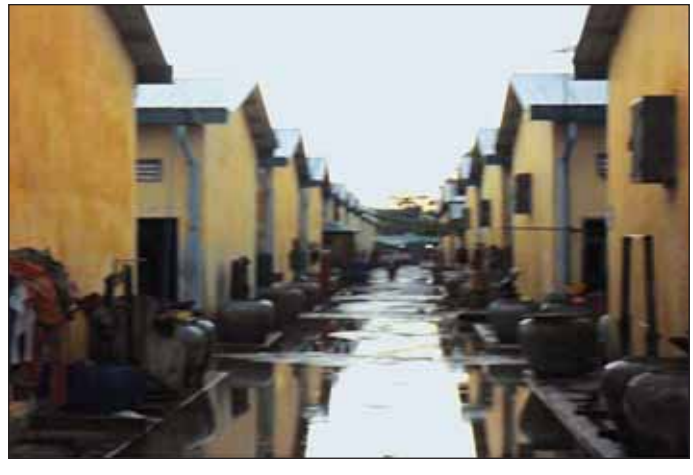
Living conditions

– *They do not consider us like human beings: we do not live, eat, sleep and work like humans!*

Carrying out the interviews with the workers in their homes and compounds provided some insights into their living conditions.

Most workers, including married couples, live in rented rooms in settlements near towns that were urbanized before the factories opened. Workers often live in rooms built inside the yards of private houses; these are generally small compounds of 10 to 20 rooms. Their conditions vary, depending on the owners' investments. The construction of workers' settlements near the factories dates back to the beginning of the industry and continues with compounds and barracks mushrooming around new factories. Factories and workers' compounds are often found close to the factories in the industrial parks where the city infrastructure is underdeveloped. The main problems are rubbish along the roads, dirty and flooded roads, mosquitoes, darkness during the evening and night and poor safety.

Of the rooms in which interviews took place, 43 per cent were classified as small, 52 per cent as medium and only 5 per cent as large. In many rooms, there is just space enough for a bed. Rooms are often shared. The rooms just under the roof tend to be extremely hot and the metal roofs make them noisy in heavy rains.



In one of the industrial parks, 4,000 people – workers and their families – rely on water from jars, meaning workers need to spend time fetching water every day. Access to toilets is usually limited. During one of the study field visits, the area was flooded, and the receding water left a wake of drowned rats.

The rent varies from US$15 a month for rooms with outdoor toilets to US$50 a month for a room with an indoor toilet and a heightened platform for a bed (mezzanine). The workers

were also found to pay for water and electricity at inflated rates. These compounds are strictly controlled by security guards who bar outsiders. At one compound an attempt by renters to organize in order to negotiate improvements with the owner was immediately stopped and the organizers forced out.

Services

Apart from basic services such as water and sanitation, and waste collection, workers' settlements lack most of the normal services that characterize other urbanised areas. Schools, childcare services and opportunities for adult education are absent. Socialisation and recreation is limited to coffee shops where only men gather to watch boxing matches on the TV. Medical care is available in the form of pharmacies and private or NGO-run clinics, and public health is available only at hospitals and health centres that were set up before the factories were built.

The workers in these settlements exist in an administrative limbo. They are not registered as urban residents, they continue to be registered and vote in their home towns. As a result, they have no voice in the places where they live. This explains the lack of services available to them and women workers, especially those with children, are the most seriously affected. A commune councillor in one of the areas explained that the population in his area has doubled with the massive arrival of factory workers, but that there had not been any increase in public services.

Food and other expenditures

Workers cook and eat their dinner together. At lunch most of them buy food outside the factory. The average cost of a meal outside for the interviewed workers, was Riels2100 (US$0.5). The food mostly consists of cheap vegetables with very little protein.

Many commercial businesses and shops located in the industrial settlements offer goods at above-average prices. Because workers are paid in US dollars but have to buy their food in Riels, some of their wages go to money changers.

Savings and remittances

One-third of the workers interviewed were able to save money most months which they reserved for health emergencies; 37 per cent cannot save anything, and the rest can save money only some months. The majority – 78 per cent – send remittances home. Married workers usually do not send remittances unless they keep their children at the village and need to support them.

Health

According to medical staff who provide reproductive health for workers in one of the industrial areas of Phnom Penh, one of the primary reasons women workers seek medical consultation is amenorrhea, the absence of a menstrual period in a women of reproductive age, and the disappearance of their normal hormonal cycle. Doctors attribute this symptom to extreme fatigue, low calorie intake and lack of sleep and they treat it with vitamins, intravenous nutrient therapies and counselling about nutrition and health. The status of chronic fatigue and weakness may affect female workers more than male workers, as women are more pressured to send remittances home so they increase their working time and reduce their expenditures, including calories and protein intake.

All but 4 per cent of the workers who were interviewed reported health problems, with a lower incidence of health problems among men than women. See the Table below for the types of health problems listed by the workers.

Table 6. Occurrence of illnesses and diseases

Disease	Count
Flu and colds	124
Headache, eye pain	120
Dizziness and fainting	69
Nausea and stomach ache	48
Typhoid	40
Fever	37
Irregular menstrual period or disappearance	17
Weakness, exhaustion	13
Leucorrhoea (vaginal discharge)	12
Intestine and stomach disease	15
Urinary infections and kidney stones	8
Back/leg/arm pain and numbness	7
Sickness due to chemicals	3
Other	12

The discussions with both women and men highlighted the poor health of garment workers and the fact that their health and fitness deteriorate and they get sick as soon as they start working in the factories. This is stressful for the workers who worry about losing their job and affording medical care.

A serious sickness often entails losing one's job because workers need to return to their village or hometown to get cured. Some factories provide sick leave to workers and detract the days from their annual leave. In order to get sick leave workers need a medical certificate which is not easy to obtain: the cost of medical care forces workers to rely on self-medication and pharmacies. Some factories accept only certificates from recognized hospitals or clinics. To discourage workers from requesting sick leave some factory managers reduce their salary or other benefits.

The issue of health and right to sick leave is a source of continuous conflict between workers and employers, and many unionists mention it as a serious issue:

- *The employer allows a worker to take seven days sick leave only if the worker has a medical certificate from the Calmette or Russian Hospitals (main Phnom Penh hospitals), but workers cannot afford the cost of visiting the hospital and seeing a doctor.*
- *It is difficult to obtain sick leave. One worker experienced a miscarriage, and I had to negotiate her right to sick leave. Another worker had typhoid and the employer immediately cut the salary. I'm alone, in face of the employer, trying to negotiate the basic rights of workers, the rights that are written in the law!*

Health workers managing a reproductive health clinic near the factories reported that workers usually come on Sunday. Workers say:

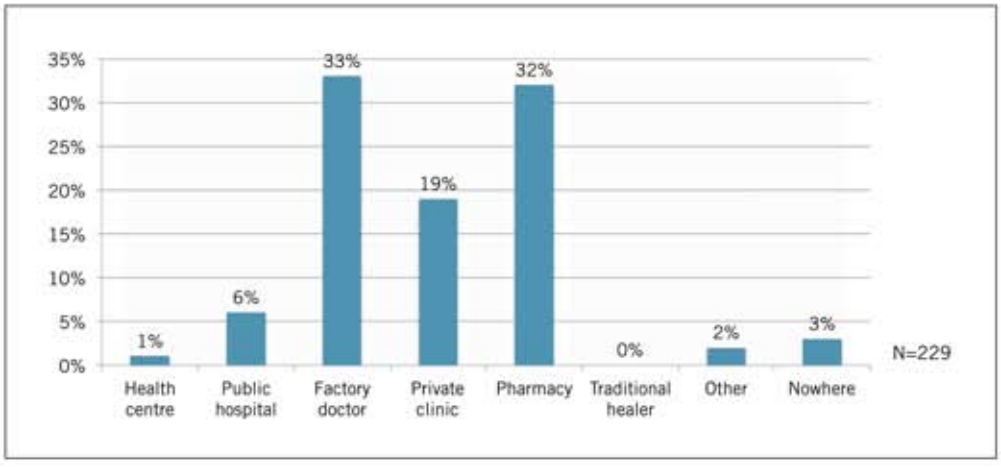
- *After seven days of sick leave I was not recovered, so I had to leave the factory. However, since I was one of the workers with good skills and long standing experience, the factory recruited me again once I was fully recovered.*
- *Workers who earn a monthly salary and have annual leave left can take sick leave; for me as I work at piece rate, I am not entitled to paid leaves and I cannot ask for sick leave.*
- *I took sick leave of two days and the factory terminated my contract without informing me. With FDC contracts it is not good to be sick.*
- *To get a medical certificate from the recognized hospital, I need to spend a lot of money. So I let the factory cut my salary rather than spending money for the certificate.*
- *Factory managers accept a medical certificate issued only by the most recognized doctors or clinics, if it is a small clinic they don't accept. But even if I have a medical letter with stamp they give us only 50 per cent of the benefit.*

At some factories if workers fall sick, they are taken care of and sick leave is accorded based on the severity of their sickness. But at many factories workers are forced to keep working or risk having their wage or bonus cut. In such situations workers try to bear their diseases to avoid losing their income.

- *There is a practice in our factory that workers working less than one year get one-and-a-half day for recovery, and older workers can get seven days.*
- *When workers fainted, they were not brought to the hospital. They were kept at the factory to lie down in the offices. The factory does not have a doctor.*
- *It is not easy to ask for sick leave. My sister was seriously sick, she was suffering from a kidney stone and she needed to be hospitalized. But she was not permitted to leave her work, so she kept working until she fell down unconscious. My father then decided to stop her from working in the factory.*

Public hospitals are often far from the factories, have high informal fees and long waiting lists which make them unaffordable for workers with limited time and money. NGO clinics in the areas provide reproductive health services, but only birth spacing is provided free of charge, and other services are not available or offered at market prices. Although factory infirmaries normally do not charge for their services, they do not take care of diseases, they only treat sicknesses occurring during working hours, such as headache or abdominal pain, and only a limited number of drugs are available in the factory.

Chart 17. Source of health care



These data suggest that factory workers are extremely vulnerable to health problems given their working and living conditions and that neither their employers nor the State provide the medical care to which all persons should be entitled.

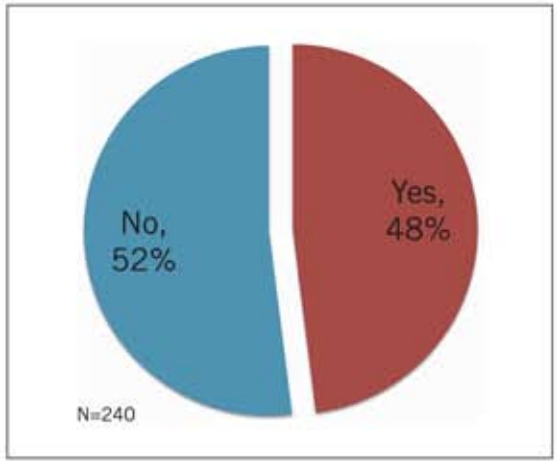
7. Perceptions of discrimination, harassment and sexual harassment

Discrimination

The concept of discrimination as conceptualized in Western societies, which is based on the norm of equality and protected by law, has no equivalent in Cambodia. However, the divide between the workers – poor, dark-skinned, mostly women and some men, with low education and mostly from the countryside – and factories' management staff – urban, mostly men and a few women, highly educated and mostly from Chinese origin – is stark. Many workers feel that they are being looked down upon and unfairly treated not only in the workplace but also in the city, just because they are "workers from rural areas". Moreover, women factory workers feel that they are discriminated because of their sex and the subordinate status this entails in traditional Cambodian society:

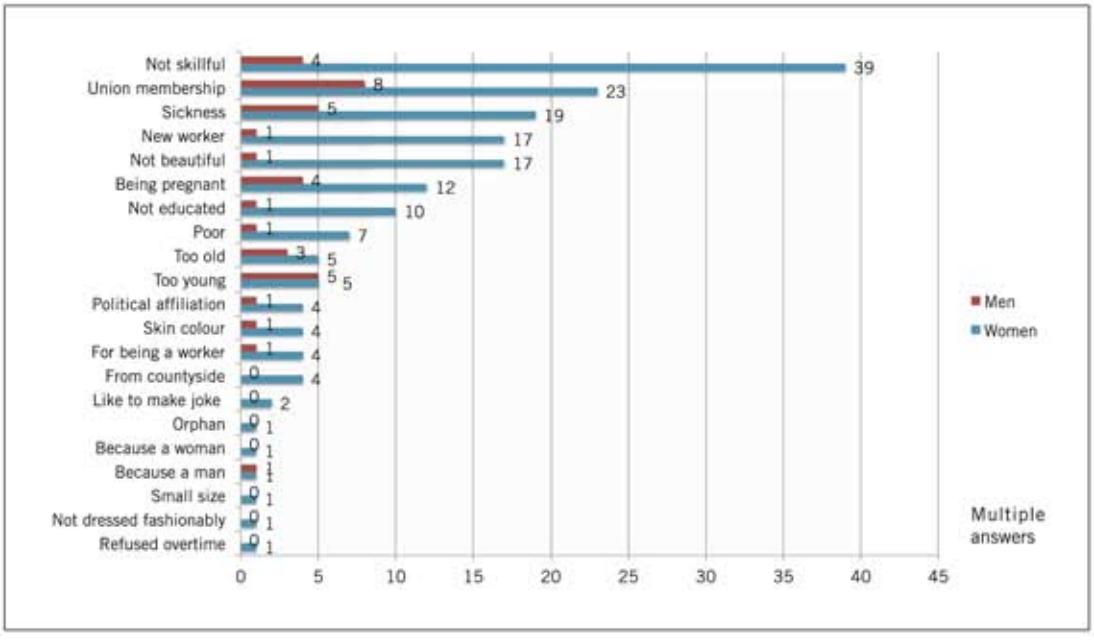
- *People do not value workers and people do not value women, so as I am a female worker, I'm double devalued.*
- *They value me, but they do not value my work because I am a man working as a sewing machine operator in a factory. They value boys who are studying, have a high education and a high salary, and use only their intellect. For the girls it is the same. Some men even say: "I will not take a female factory worker as my wife." They want educated women; and women working in a factory are not good. Female factory workers are useless and their work is in "under the shadow" and invisible. Women are more affected than men when working in a factory.*
- *People devalue us in the factory and at home, in our home villages; they criticize the way we dress and say that workers who come to work at a factory in Phnom Penh are not good, and have their brain washed with the washing machines. They say we have boyfriends.*
- *When I go back to my village some people say that the work in a factory is not real work, it is just temporary.*

Chart 18. Workers' views on experiencing discrimination



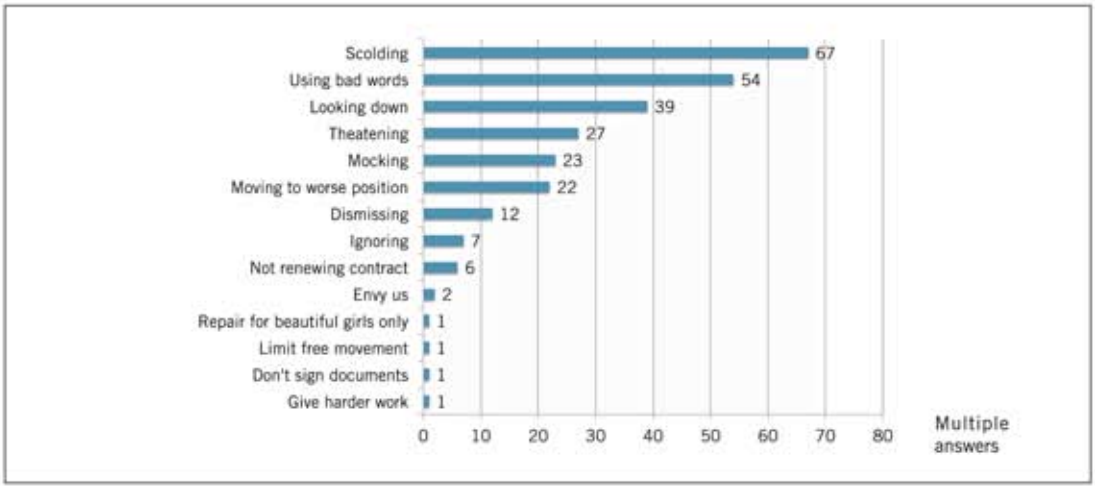
Almost half of the workers who spoke to the researchers reported experiencing discrimination in their jobs, and the likelihood of perceiving discrimination did not differ by sex, age or education. Male workers believed that their union affiliation was the most important ground for discrimination, while women considered that their skill level was the primary factor. In the workers' view discrimination manifested most often in the form of harsh scolding of workers who made mistakes or worked too slow and failed to comply with group leaders' or supervisors' instructions.

Chart 19. Grounds of discrimination



Almost one in 10 workers felt discriminated against because of social factors such as wealth or physical appearance. Women also cited sickness and pregnancy and being new on the job as grounds for discrimination.

Chart 20. Types of discriminatory behaviour



Discrimination is perceived as part of a range of behaviours, in which lack of respect plays an important role. This aspect is cultural, as the entire society follows a code of conduct based on respect and courtesy, and ensuring that individuals will not "lose face".

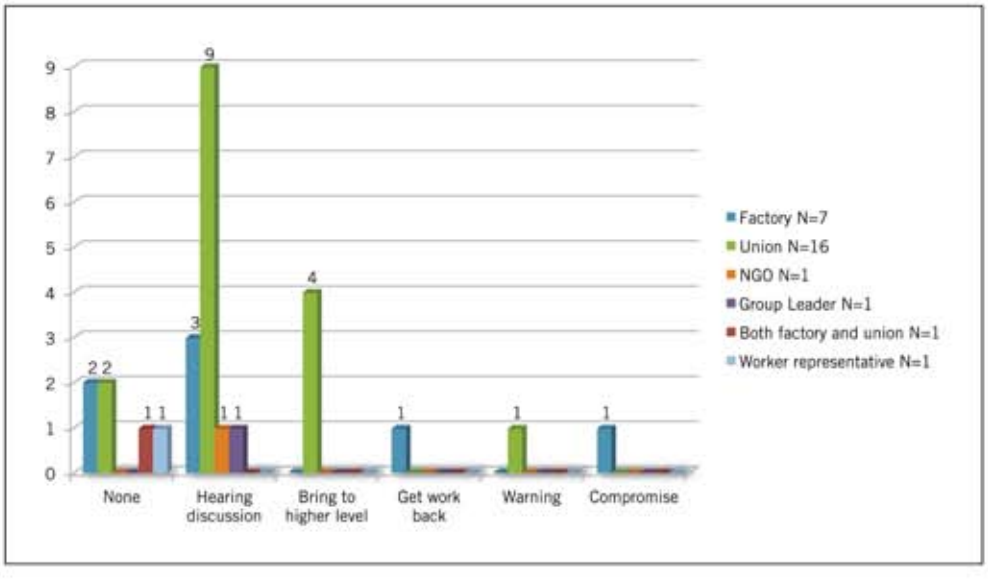
The public scolding of a worker in a sewing room in the presence of hundreds of people leads to shame and resentment.

Only 27 workers made an explicit complaint about discrimination, just one-quarter of the number who had experienced discrimination against them. The lack of clear mechanisms and structures to handle workers complaints probably contributes to the low number of complaints:

- *We don't know where to go, and even if we complain nothing will happen.*
- *Of the 27 complaints, 14 were brought to a formal hearing, four were brought to a higher level than the factory, three resulted in some solution, and six had no results.*

The majority of the workers complain to the unions and some workers make a complaint to the factory management. Only a few complained to an NGO, group leader or a workers' representative.

Chart 21. Follow-up on complaints



Harassment

More than half of the workers experienced or witnessed harassment on their jobs. Workers' perception of harassment does not differ with respect to their sex, age, length of employment, or education. The more common forms of harassment are cursing, insulting, shouting, threatening or throwing things at a worker:

- *The assistant group leader is very bad, she threatened to dismiss me, she shouted at me and insulted me and threw clothes. She has a relative in the administration and she is powerful, so I cannot complain.*
- *If we do not want to do overtime the supervisor uses bad words, and does not let us leave.*
- *They harass workers who are slow, using bad words, so there has been a complaint*

to the union, and there was a hearing.

- *She insulted and threatened to remove me, but I did not complain, I don't know who can help me, there are no helpers here.*
- *They call workers stupid and small brain [khuo bonkong] and use other very bad words.*

Chart 22. Perceptions of harassment

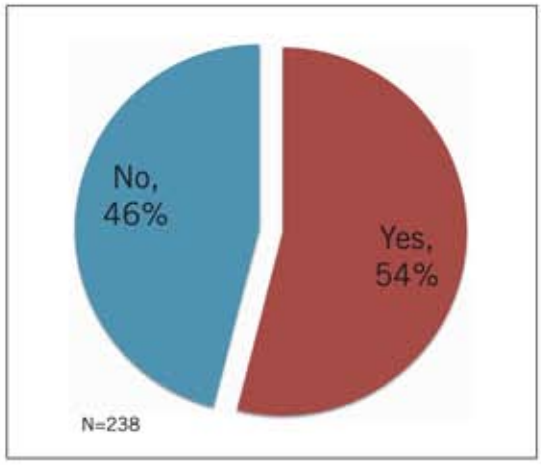
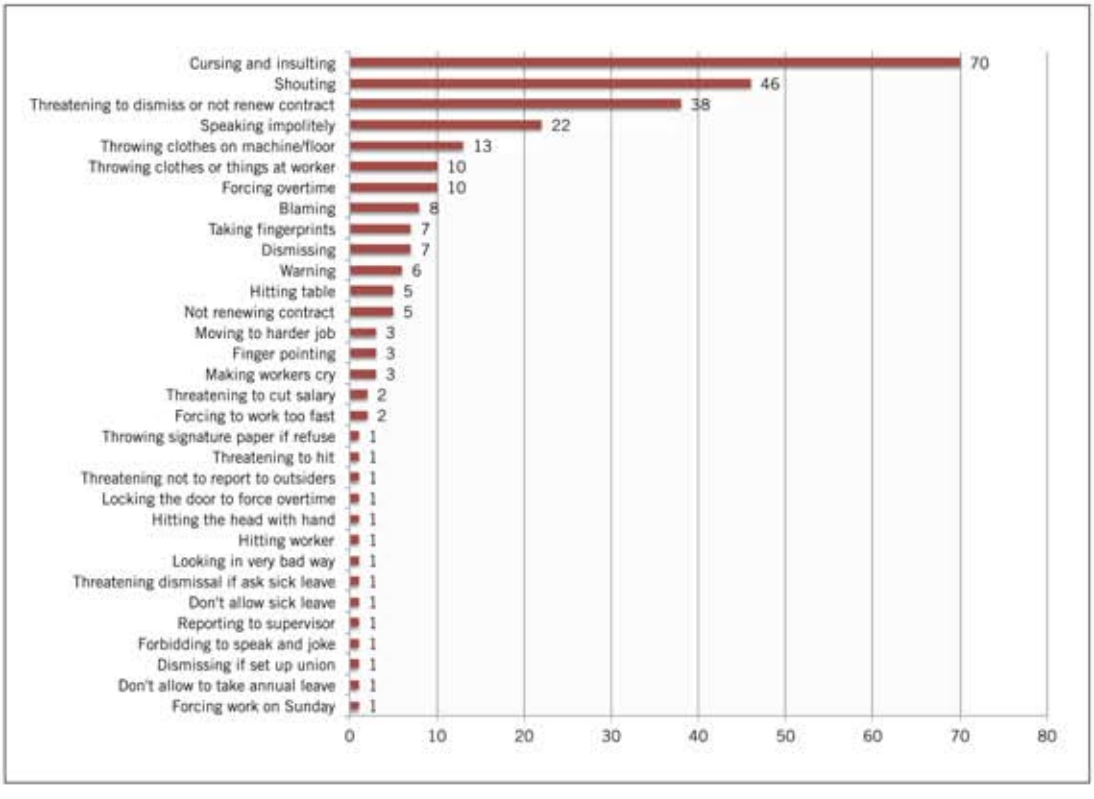


Chart 23. Forms of harassment



Ethnic differences between workers and those higher in the factory hierarchy contribute to some of the tensions between Cambodian workers and their Chinese or Vietnamese supervisors.

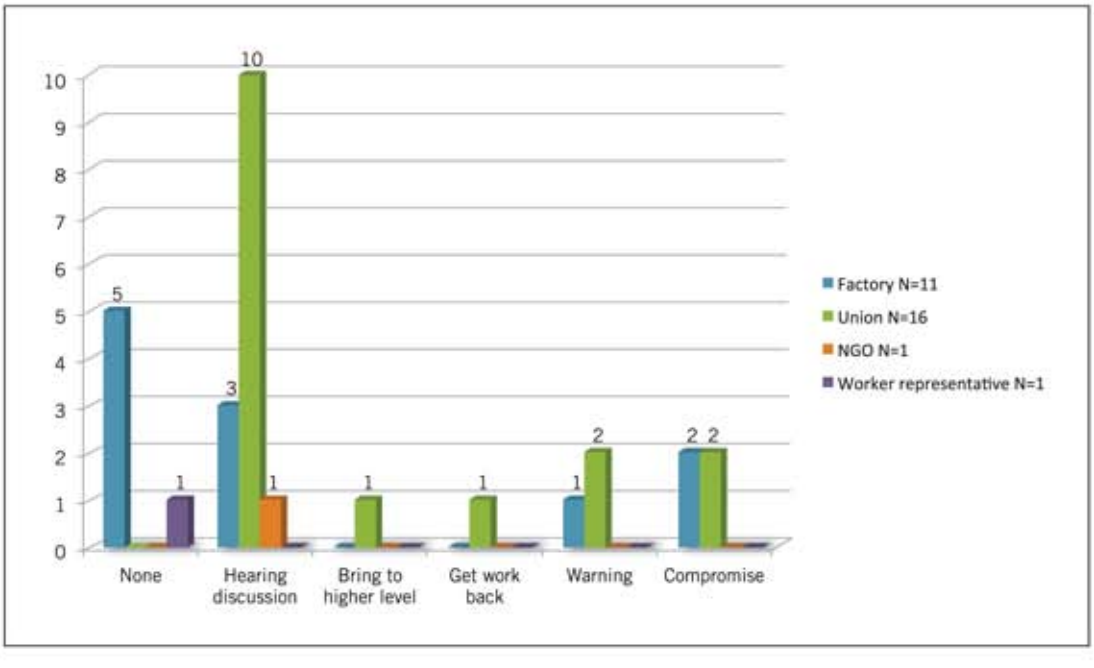
While some acts of harassment primarily involve rude or cruel behaviour by people in supervisory positions, harassment may also involve violations of workers' rights, such as forced overtime, refusal of sick leave or annual leaves, confinement and threats of nonrenewal or dismissal.

Because factories lack mechanisms and procedures for filing complaints, abusive behaviour is by people higher in the factory hierarchy, and many workers have short-term contracts, many workers feel hopeless.

- *To whom can I complain? To the factory? They are the ones who threaten me.*
- *They are blaming us and they threaten to dismiss us, so if I complain what will happen then?*
- *I do not file a complaint because I know I will not win.*
- *Even if we complain it is useless.*

Presumably because workers see no solutions, only 22 per cent of the workers complained about harassment, some to the factory's administration or the human resource officer, but more often to the unions which are often more efficient than the factory management in obtaining a hearing, bringing the case to higher instances, and negotiating a solution or a compromise. Factories where unions are impeded or restricted leave workers without protection to harassment. When no other options exist, harassment plays a role in workers' decision to change employers.

Chart 24. Results of complaints



Sexual harassment

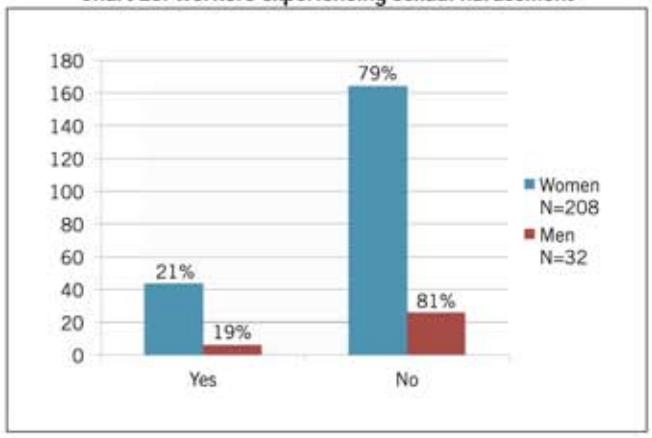
One in every five women workers felt that they had been sexually harassed or been the subject of humiliating behaviour with sexual undertones. Examples include the following:

- *Men hide and look at women because toilets are opposite to each other. There was a case that a female worker was raped while doing overtime after 8 in the evening.*
- *A group of female workers made jokes over another female worker and pulled her skirt off until her underwear appeared. The worker was very embarrassed and cried. The worker did not complain because she was too embarrassed.*
- *When we complain to the group leader about sexual harassment, she just says men wish to play and it is up to us not to play with them.*
- *Mechanics make jokes and come to repair only the machines of the beautiful girls, the others get scolded.*
- *Because we are their workers, the supervisors scolding us use obscene words.*

The interviews with unions' leaders led to other examples of sexual harassment:

- *Female workers who wear sexy clothes have problems of sexual harassment in the factory. In one case, a supervisor made the worker who wore sexy clothes stand on a table for others to look at her. The worker made a complaint and talked with the unions about the case.*

Chart 25. Workers experiencing sexual harassment



Most of the workers' sexual harassers were male or female co-workers, such as machine repairers or guards. Reports of harassment by bosses were less frequent.

Of the 32 workers who reported sexual harassment, ten filed complaints, six with factory management and four with their union. In nine of the cases, at least one hearing took place, and sometimes perpetrators were warned.

Female workers face more risks to experience sexual harassment and assaults when they leave work late at night or after working overtime. Many areas near the factories are dark and almost empty of residents and workers must walk along deserted roads, storehouses or empty areas. Over the years, sexual aggression, rape, and even murder have occurred and many workers are afraid.

Chart 26. Sexual harassment perpetrators

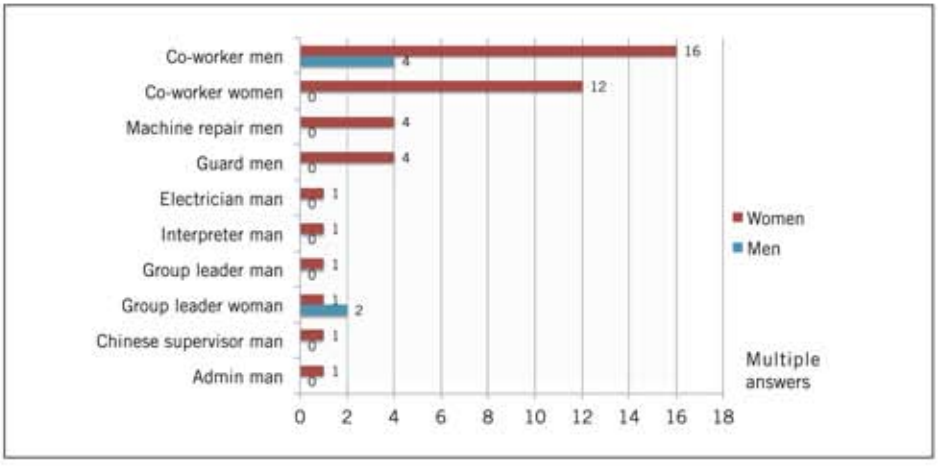
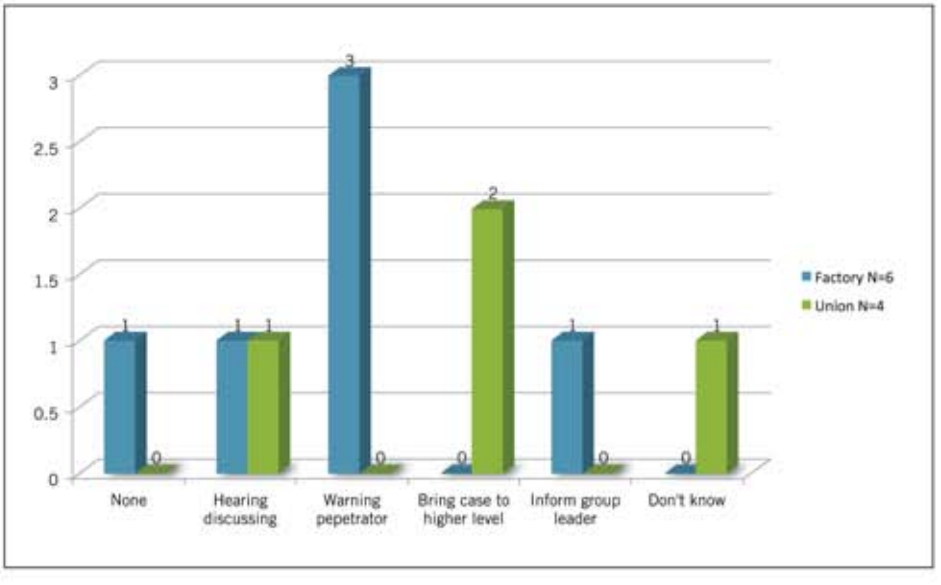


Chart 27. Results of complaints



Unions and unionization

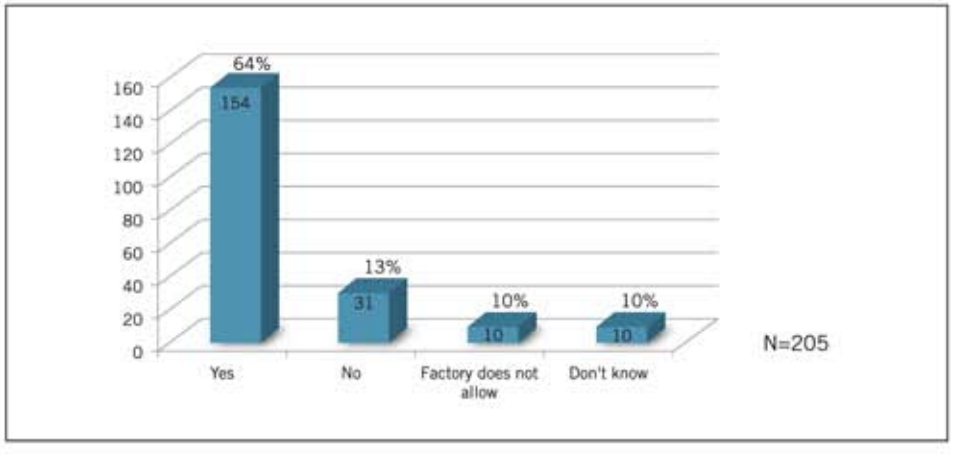
Workers rely on workers' organizations that are able and willing to defend workers' rights and interests. Unionism in the garment sector is growing and gaining maturity, and many unionists focusing on workers' interests play an important and active role in protecting workers' rights. However, several respondents also gave examples of unions "on the side of the employers" or "unionists paid by employers", and some indicated that women union leaders are particularly targeted by these unionists.

Of the workers interviewed during this survey, 17 per cent work in factories where there is no union. In 4 per cent of the cases, this is due to factory refusal to allow the set-up of a union.

Some workers reported their experiences of factories opposed to unionization during the group discussions:

- *After a group of workers tried to establish a union in the factory, these workers were all dismissed without proper reasons. The employers said that their contract was expired and that the factory does not have any work for them, but at the same time they kept recruiting new workers. We filed a complaint with the Arbitration Council and they said that all the workers who were dismissed should come back to work. The owner did not agree and did not permit the workers to enter the factory. In the meantime they dismissed two more members. We are afraid and scared and feel threatened, we don't know what will happen in the future.*
- *My factory respects the rights to unionize, but another factory nearby has no union. If workers try to unionize they will be fined. Another factory has unions but they are pro-employer.*

Chart 28. Unions in the factory



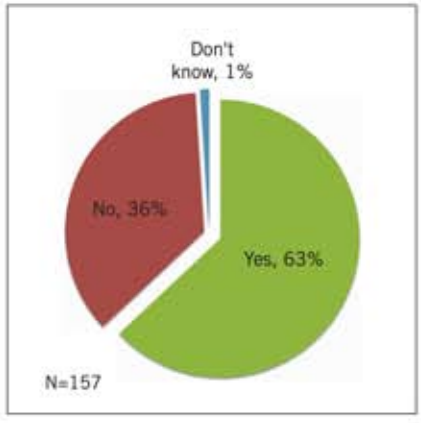
Union leaders and workers reported examples of employers setting up unions to disrupt workers' unions.

- *When we create a union, the employers also create a union, and then it is a mess...*
- *We have two unions, one is on the side of the workers, the other was set up by the company. There is discrimination against the workers' union, because the company unionists and workers can go freely in and out, while the workers' unionists and members face difficulties and cannot go around freely.*

In factories with unions, 63 per cent of the workers in this study joined because they realize the value of unions in supporting workers when a problem occurs.

- *Because we have a union we can decide to work overtime or not. Before it was very bad: when it was 4 p.m., the security guard locked the door and we could not go out. We were forced to be inside and work overtime. Now the situation is better; we can decide on overtime.*
- *A group of workers was forced to do overtime: if they refused the bosses would threaten them that they would never be allowed to do overtime again. So the union helped them to get back to the right to overtime. Unions can also help us when they dismiss us.*
- *Unions help to protect workers from foreign, oppressive bosses, and they protect us when we stop working or have accidents.*

Chart 29. Union membership



In some factories, workers reported retaliation by supervisors or managers against those who joined unions:

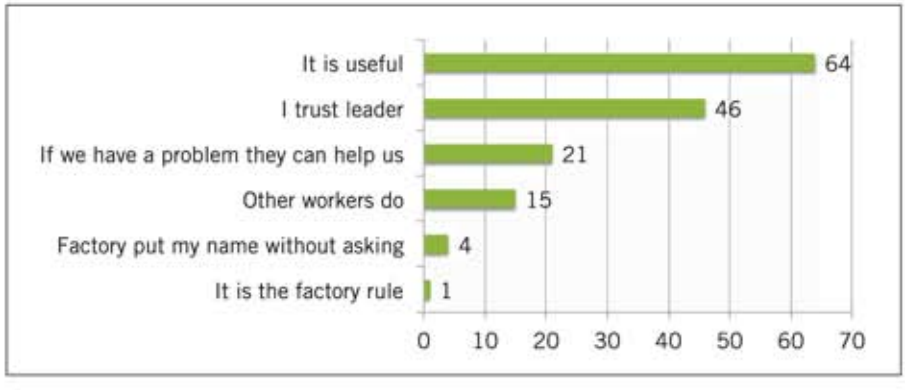
- *The factory where I work used to dismiss many workers who joined the union. They already dismissed one union leader and many union members.*
- *The foreign supervisor does not like workers who are union members. There was a case when a female worker went to a union meeting. The foreign supervisor cursed the worker even though she had the permission from the department manager to attend the meeting.*

According to the study's respondents, male workers are particularly targeted when it comes to being a member of the trade union or carrying out union activities:

- *Male workers are very scared because they know that if they become a member of a union their contracts will not be renewed.*
- *I was dismissed by my previous factory because I was a man who is a member of a union.*
- *Men are all on a three months contract, while women are mostly on UDC. If men become a union member, they will immediately be dismissed and therefore they are afraid.*

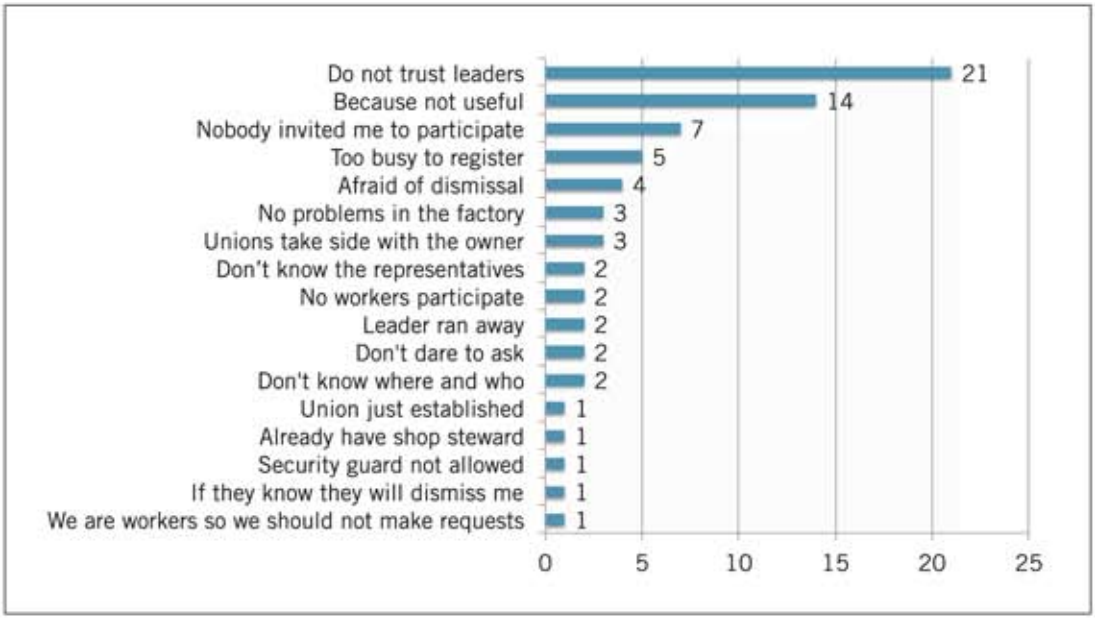
The questionnaire contained a semi-open question on reasons for joining a union. They could tick one or more of three main answers (represented by an * in the Chart below) and answer in their own words. The results show that some factories may decide for the workers and put them on a union list or make union membership mandatory.

Chart 30. Reasons for being a union member



The majority of the garment workers think that it is useful to be a member of a union. The reasons why workers do not enrol, despite of the presence of unions, were asked why with the same semi-open question: with the three pre-set answers (indicated with *) and give their own reasons. Here the responses are much more varied and show a number of problems linked to unionism and unionization.

Chart 31. Reasons for not being a union member



Women in union leadership: a difficult role

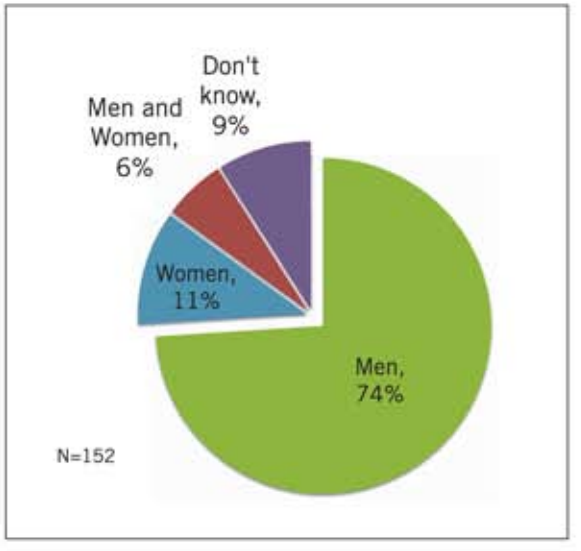
As the chart shows, women form a minority among the union leaders. There are many reasons: As with other public roles, traditional gender norms limit women's participation. Their lack of experience and self-confidence may also restrain them from engaging in such role. Men's resistance against women taking leadership roles can be difficult to overcome and other women may not trust women leaders' capacities and strengths. This applies to the situation within the factories, as well as in union federations and confederations.

In the factories, women unionists reported gender-based prejudices and macho attitudes:

- *We have other unions here which are affiliated with the employer, so the unionists have a lot of free time and they can go everywhere. For me, it is different, I must take care of a problem and if I miss my workplace, at the end my salary is the lowest among the workers! The union leaders are all men, and they act like gangsters. They mock and threaten me, but I do not care.*
- *I'm a female union leader and other union male leaders mock me. They say that women are scared. The male unionist says that he is the union leader so he does not need to work like others. But I'm a female leader, so I work like a normal worker. Although I'm a union leader, I should try my best to produce the same amount and quality of products that the other workers do. It does not mean that I'm afraid of the owners, but I do what I can do.*

– *To be a woman union leader is a big challenge. First, because women workers do not support a woman leader. They trust men as leaders and easily believe them when they speak, while if I speak they do not fully trust me. They think that men are stronger. Also men always bully me by saying: "Women have long hair but are narrow-minded".*

Chart 32. Union leadership by sex



For women in particular, self-confidence can be an important prerequisite for challenging gender norms and becoming a union leader:

– *I became a union leader because my character is not timid. I'm not scared of others and I do not stand injustice and bad treatment or harassment. I'm strong because I have the solidarity of siblings. In my family I had to work in the rice fields to support the family as our father was sick. I ploughed, collected wood in the forest, went fishing until dark, and drove the cart with the buffalos. So now I'm not scared of a foreign supervisor.*

In some unions, the situation is clearly changing, and more space is being given to women and to address women workers' problems, such as maternity leave and benefits. This is supported by organizations trying to fill the gap between unions and women workers, and by promoting women's leadership and capacity building. The process of capacity building and empowerment of women union leaders is important not only in the workplace but also in society, where they can be a role model showing how women can participate in decision making and in leadership roles.

Among some unions there is also an increased awareness about the gender problems characteristic of the industry, even if there is not yet an articulation of job segregation by sex and its negative consequences for both sexes but mostly women. At the moment this issue has also not yet reached a critical mass of women in decision making positions.

In the discussions and drafts of a new law on trade unions over the past two years, it has been suggested to oblige union leaders to have completed grade nine education. The article unnecessarily restricts access to union leadership, as relatively small numbers of workers have attained this level of education. It particularly limits women, whose enrolment and retention in the education system is lower than men's, from becoming union leaders, and undermines opportunities for women to empower themselves, gain equal opportunities and tackle discrimination in the workplace.

8. Good practices

Workers

The new social environment of garment workers means new opportunities. Solidarity that is normally not evident in the Cambodian society seems to be possible among the workers, and women and men are negotiating new gender roles. The research team could observe that to a certain degree gender codes tend to blur within some of the workers' compounds, with men cooking, washing clothes, cleaning, or tending babies, and young women engaging in social activities, for example, sharing dinner with other room renters. However, the fact that women have the most permanent jobs, which put demands on their time, also generates tensions and conflicts in families. In some cases this results in divorce, but in other situations men are taking new responsibilities, bringing children to school, preparing the meals, and trying to facilitate women's life and tasks.

During the interviews the research team met many abandoned women who had moved to the factory from their villages to find work but also to find relief and shelter from social codes and stereotypes. Couples of the same sex found work in factories for the same reasons: the environment of the settlements seems to be more tolerant, providing an area where people may live without the usual constrictions of Cambodian society.

During the group discussions held in workers' houses, men usually listened to what women said with respect and did not try to dominate the scene as happens in other contexts. In many meetings women, especially if they were the majority, articulated ideas and perspectives in front of men with self-confidence.

One of the focus group discussions with workers made an inventory of good practices on maternity protection in factories as follows:

- *Allowing pregnant workers to rest for half-an-hour every four hours of work.*
- *Allowing pregnant women to work overtime only if they want and can.*
- *Provision of lighter work, not requiring so many pieces of production, not requiring pregnant women to work in areas with bad smells, and not forcing them to sit or stand all day.*
- *No reduction of salary for taking leave to have a prenatal medical check, or allowing one day leave every month for the prenatal health check.*
- *Recruitment of pregnant women.*
- *Hiring a doctor for one day per month to carry out prenatal health checks so that workers do not spend too much time on transportation to reach a health centre.*
- *Allowing workers to take additional leave after the three months maternity leave period, to which they are entitled by law, if needed.*
- *Pay for maternity leave before the worker begins her leave (many workers have to come to the factory every month during their maternity leave to receive the payment; some workers receive the benefit upon return to work after the leave or even later).*

Workers' unions

The work of the unions is very important for improving gender equality and eliminating gender biases, as well as other kinds of discrimination. The educational activities of the unions are particularly important. The fact that many unions now have human resources dedicated to gender is a first step in this direction. At least one union has women officers in charge of gender issues, and has given them enough power and degrees of freedom to deal with projects, manage education programmes and network with support organizations; an indication that the move is not just a propaganda measure.

The on-going changes depend on the management style of each organization: centralistic and highly hierarchical unions are less prone to empower women. Male union leaders who in charge of gender issues, were often found to be unable to articulate the problems of women workers beyond very generic statements. Women's genuine participation in decision making and management, especially if selected among the workers, is a strong indication of more participatory and horizontal power sharing within union.

The most interesting practices seen in this field of activities are the attempts to network garment workers unions and women's organizations, in order to match the needs of women at the factory level with other societal issues. This work can provide the link for a broad initiative to improve working conditions and target inequality and discrimination at the workplace at the societal level.

Employers

As highlighted in each chapter, many factories follow the law, but some discriminatory practices were also found. Good practices were also identified that went beyond the minimum requirements of the law. Some factories have special rules in case of sicknesses, allowing sick workers to rest at the factory without cutting salary and have an ambulance to bring workers to hospital in the urgent cases. In view of the relevance of health problems for workers this is a very important improvement.

One of the visited factories has a canteen, and according to the managers, it provides quality food at extremely affordable prices, subsidised by the factory. It is a remarkable upgrading, but the research team did not have the opportunity to validate the issue with the workers.

Another factory has a suggestion box for workers where they can submit ideas for improving the factory and the workplace. The same factory allows unions to hold parties and facilitates workers' social activities.

Some factories try to accommodate women's needs, especially during pregnancy and maternity; with permission readily given for prenatal medical check-ups. Light work during pregnancy is indeed light and pregnant women are allowed to exit five minutes before the others until five months of their pregnancy, and after five months, they exit 10 minutes early to completely avoid the crowd. Other factories allow, after the regular 90 days maternity leave, leave without pay, so that workers can recover and don't lose their work.

9. Conclusions

The garment and footwear industry have created numerous employment opportunities for low-skilled women workers and this has reaped considerable benefits for the industry and the country, the workers' and their families alike. Nevertheless the industry in Cambodia remains one that is based on low skilled, hard work and long working hours of women with some of the lowest minimum wages in the region. The effects of the global economic downturn have clearly illustrated that the concentration of women in labour-intensive, export-oriented employment places these women workers at acute hardship in times of economic crises (Dasgupta et al., 2011). The recent rebound of the industry, however, shows that the garment sector in Cambodia continues to rely on the abundant and cheap availability of women's labour.

There are clear gender and age dimensions to this situation. Young women are socialized into subordinate and submissive roles, and their capacity and endurance to adapt to a maximum of working hours and a minimum of consumption. Employment and working conditions are tailored based on the assumption that women are submissive by nature, and the factories assign women to the lowest level in the job hierarchy, mirroring the subordinate roles women are assigned within the family and the society. Regular wages are inadequate to support a family, and workers must work overtime in order to increase their revenues. The changes in contract practices have negative impacts on employment insecurity with short-term contracts replacing unlimited duration contracts. This leaves women in a very difficult position particularly when they become pregnant and have a child, and women with young children are often forced out of the workplace.

Unequal treatment and discrimination are significantly resented by workers. Female and male workers perceive the extreme sex segregation of the industry, which tend to marginalize women and men in different roles that reflect gender norms. Workers feel discriminated by practices that penalize workers: women especially if they become pregnant and those who are members of unions, as well as those who are poor and uneducated.

Harassment and bad treatment are strongly resented by workers, and are a common source of conflicts, workers' resignations and collective actions. Tough work intensity is imposed on workers by supervisors, often by foreigners who do not know and respect local behavioural codes, with means and behaviours that impact on workers' self-esteem and raise deep resentment and grievances. Sexual harassment of workers is not negligible. It draws on the unequal gender relationships in factories that privilege men's role, and justifies jokes and bullying behaviours against young and older women.

There is a lack of mechanisms to deal with such practices and no complaints systems for discrimination and harassment at the workplace. The absence of reliable data and information concerning the entire sector makes the research on these issues very difficult. Transparency is not the main characteristic of a sector where the number of the employed labour force is only estimated and the number of factories is not certain.

Factory workers are living and working in the outskirts of Phnom Penh, and they are invisible to the rest of the city and the administration of the town because they are not registered as residents. Hence, they do not receive any support or services and have limited access to appropriate and affordable health care, childcare and schools, decent houses, transports,

and other opportunities such as adult education, vocational training and leisure. Making a difference between citizens on the ground of resident status is considered as discrimination on the ground of social origin if privileges are attached to this registration. Social origin is one of the prohibited grounds of discrimination under Cambodian labour law.

How important are women workers for the garment industry in the country? And how important is the garment sector to women's employment in Cambodia? The country does not have the large population numbers of its neighbouring countries like China or Vietnam, or its most direct competitors like Bangladesh. Cambodia's 2008 census put the population at 14.4 million and the female population between 20 and 25 years of age (which is the age range of most workers in the industry) at 699,000. The garment industry in Cambodia is estimated to engage a labour force of 400,000 to 450,000 workers, over 90 per cent of whom are women. Estimates suggest figures of at least 250,000 women in this age range employed by the industry – this means that almost one-third of the national female population in the age range between 18 and 25 years are employed in the garment industry (Dasgupta and Williams, 2009).

These numbers deserve attention because any impacts on the cohort of women employed in the garment sector in Cambodia are going to have significant national repercussions. Ensuring decent working and living conditions of the garment sector workers will have a tremendous nationwide impact, on the women themselves, their children and relatives, and the allied industries that emerge from the sector. Any improvements in the situation of women garment factory workers will enable progress in achieving Cambodia's Millennium Development Goals (MDGs), in particular those related to MDG 3 on gender equality promotion and MDG 5 on improving maternal health.

10. Recommendations

Working conditions in the garment industry have improved significantly thanks to the workplace monitoring efforts. However, a number of workers' rights are still not applied in practice and their enforcement depends mostly on workers' and unionists' strengths and commitment to claim them. There is a need to ensure respect and enforcement of the fundamental principles and rights at work, and to further improve the employment and working conditions of the workforce, balancing employers' legitimate competitive interests with the equally legitimate interests of workers to obtain decent and productive work in conditions of freedom, equality, security and human dignity.

This includes:

- Discriminatory employment practices against women on grounds of pregnancy and marital status should be eliminated as a matter of urgency, and the provisions for maternity protection seem to need improvement.
- There is a need to reduce overtime working hours and overtime should be strictly voluntary at all times.
- Sex segregation in the industry also needs to be reduced as it limits employment opportunities for both women and men and leads to unhealthy workplaces.
- Non-hazardous work by young women and men should be permitted in the formal garment industry especially in situations where education and training opportunities are not available.
- Discrimination on the grounds of trade union membership and leadership needs to cease.
- Companies and workers' organizations need to promote gender equality by advancing women in leadership positions and addressing women workers' interests.

ILO

- Share the research findings with concerned stakeholders to identify priorities for future action. Ensure female and male workers participate, and engage buyer firms whose price, quantity and schedule requirements place pressure on factories that result in intensive working conditions.
- Further mainstream gender in workplace monitoring practices, such as the BFC programme, ensuring women's participation in monitoring teams and expand monitoring criteria on key gender equality indicators (sexual harassment complaint mechanisms, timing and amount of maternity benefits, time off for prenatal leave, work adjustments during pregnancy, family-related leave policies, etc.).
- Support pilot programmes in the garment factories to enhance the value and pay of female-dominated jobs through job evaluation systems that assign equal pay for work of equal value. Promote the recruitment of women in male-dominated jobs and men in female-dominated jobs, such as women in sewing machine repair and men as sewing machine operators.
- Provide technical support to employers and their organizations in the garment and footwear industry on improving working conditions while meeting business needs, with attention to working time arrangements; pay structures and pay equity; harassment; and maternity protection. Provide support to workers' unions to raise gender awareness, promote the capacity of women union leaders and improve gender equality in their own

organizations in membership, staff and leadership, in advocacy, policies, programmes, budgets, workplans and networking.
– Consult with tripartite constituents, women's organizations, other international and national organizations to identify opportunities for improving the living conditions of rural migrant garment industry workers in areas such as food and nutrition, access to health services, including reproductive health, access to water, sanitation and energy, improving childcare and school facilities, etc.
– Provide technical assistance to groups and organizations working to improve maternity protection in Cambodia and lobbying for the ratification of ILO Convention No. 183.
– Support initiatives to strengthen data collection on the garment industry and workforce through the Ministry of Labour, workplace monitoring system and industry associations, including attention to sex-disaggregated data, and to indicators that reflect women workers' needs, such as maternity protection and health care.

National governmental institutions

– Collect, analyze and disseminate data segregated by sex on Cambodia garment and shoe industry workforce, including in subcontracted and supply enterprises.
– Set up a working group with representatives from the Ministry of Labour, Women's Affairs, Planning, Social Affairs, Health, Economy, Education, and Commerce, as well as representatives from relevant Municipalities, civil society organizations and the academe to develop programmes to improve workers' access to quality essential services, including health, water, sanitation, energy, childcare, education and social protection.
– Strengthen the Ministry of Labour's inspection and monitoring capacity of working conditions, including discrimination on the basis of sex, union membership and the other grounds, prohibited in the labour law, and strengthen sanctions for labour violations.
– Eliminate any policies or practices which make it impossible for garment factory workers from the rural areas to access services that are provided to city residents.
– Clarify regulations on and improve guidance and monitoring of the use of fixed duration contracts in order to better balance employers' need for flexibility with workers' needs for essential labour protection and decent work.
– Safeguard and strengthen the right to freedom of association. Reject current proposals to limit the rights of workers to participate in union leadership based on their educational level.

Employers and their organizations

– Undertake training programmes for factory management on improving job quality and working conditions for all workers while meeting business needs. These programmes would pay particular attention to sharing national legal frameworks, expertise and international best practices on contracts; working time arrangements; pay structures and pay equity; harassment; and maternity protection.
– Strengthen maternity protection provisions with attention to timely and accurate payments of leave benefits, facilitating requests for leave extensions, and following international guidance on workplace health and safety measures during pregnancy.
– Promote measures to stop harassment, including sexual harassment, in factories by developing policies and systems against (sexual) harassment in the workplace, including effective prevention, grievance and sanctioning procedures.

- Develop advancement ladders within the factories to improve opportunities for skills development and advancement of all workers and recognizing seniority and experience as part of the incentive and reward structure. Ensure all opportunities are equally open for men and women.
- Develop training programmes to provide access to women to non-traditional jobs, such as sewing machine repairers, and employ men as sewing machine operators.
- Evaluate feasibility of food and nutrition programmes in or near the workplace (e.g. canteens) that make affordable, quality nutrition available to workers through economies of scale, subsidies, etc.
- Identify programmes or partnerships to make prenatal and other health checks accessible, affordable, and convenient to workers' jobsites and working hours, e.g. through mobile clinics, etc.
- Promote social dialogue to improve industrial relations within workplaces and ensure women workers are adequately represented in employer-employee consultations on issues that directly concern them.

Workers' organizations

- Strengthen programmes on gender equality and gender mainstreaming within the unions to promote awareness and action on discrimination and inequalities on sex, age, ethnicity, social origin and unionization. Support and promote women's membership and leadership in union structures at all levels.
- Encourage workers to avail themselves of the Arbitration Council services in addressing cases of discrimination and harassment.
- Develop internal policies for hearing, discussing and addressing discriminatory practices within the union and counteract resistance to gender equality by unionists and union officers.
- Undertake training programmes to improve unions' technical capacity on working conditions, including contracts, working time arrangements; pay structures and pay equity; harassment and sexual harassment; and maternity protection.
- Undertake training programmes to improve unions' effectiveness in collective bargaining for improvements in working conditions.
- Promote programmes and partnerships to address workers' living conditions, including food and nutrition cooperatives or buying clubs or canteens, health services including reproductive health services, water and sanitation, etc.

Civil society organizations

- Strengthen initiatives and programme targeting the needs of garment industry workers, including those that adversely and disproportionately affect women. This includes programmes on food and nutrition, health services including reproductive health services, access to water, sanitation and energy, etc.
- Invite unions and other organizations representing garment industry workers to participate in events, forum, discussions and initiatives. This includes women's organizations, which could develop programmes and projects specific to the needs of women workers.
- Strengthen gender analyses of existing reproductive health projects to ensure they address the practical and strategic needs of women and transform existing gender stereotypes, norms and roles.

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Annex 1

Terms of Reference for the study

1. Background

The primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

Discrimination in employment and occupation takes many forms, and occurs in all kinds of work settings. It entails treating people differently because of certain characteristics, such as race, color or sex, which results in the impairment of equality of opportunity and treatment. In other words, discrimination results in and reinforces inequalities. The freedom of human beings to develop their capabilities and to choose and pursue their professional and personal aspirations is restricted and their skills and competencies cannot be developed, resulting into a sense of humiliation, frustration and powerlessness.

Discrimination can take many forms and can affect both access to employment and the treatment of employees once they are employed. It may arise in a variety of work-related situations. These include access to employment and to particular occupations, and access to training and vocational guidance and support. Further, it can occur with respect to the terms and conditions of the employment, such as remuneration, hours of work and rest, paid holidays, maternity leave and occupational safety and health.

Definition of discrimination

"Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".
(Article 1(1)(a) ILO Convention No.111).

The elimination of discrimination at work is central to social justice, which lies at the heart of the ILO's mandate. It underpins the concept of decent work for all women and men, which is founded on the notion of equal opportunities for all those who work or seek work and a living, whether as labourers, employers or self-employed, in the formal or the informal economy. The elimination of discrimination is an indispensable part of any viable strategy for poverty reduction and sustainable economic development.

There are series of issues that concern discrimination at work in Cambodia. This study aims to look at few of them that are most relevant to the largest export sector in Cambodia, that of the garment industry. With over 90% of the workers predominantly young women from rural areas and with a relatively large segment of basic, technical and managerial jobs it constitutes a case in point in looking at the challenges and opportunities facing women at work in today's Cambodia. The focus of the study while looking at issues of discrimination at large will in particular look at discrimination from gender equality, maternity and empowerment and career development perspective.

Gender Equality

ILO considers gender equality as a key element in its vision of decent work for all women and men. The main focus or thematic areas of the ILO on gender equality coincide with the organization's four strategic goals, which are to: promote fundamental principles and rights at work; create greater employment and income opportunities for women and men; enhance the coverage and effectiveness of social protection; and strengthen social dialogue and tripartism.

Four ILO Conventions have been designated as key instruments for achieving gender equality in the world of work:

- Equal Remuneration Convention, 1951 (No. 100); ratified by the Government of Cambodia on 23 August 1999;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111); ratified by the Government of Cambodia on 23 August 1999;
- Workers with Family Responsibilities Convention, 1981 (No. 156);
- Maternity Protection Convention, 2000 (No. 183).

Maternity protection

Raising a family is a cherished goal for many working people. Yet pregnancy and maternity are an especially vulnerable time for working women and their families. Expectant and nursing mothers require special protection to prevent harm to their or their infants' health, and they need adequate time to give birth, to recover, and to nurse their children. At the same time, they also require protection to ensure that they will not lose their job simply because of marriage, pregnancy or maternity leave. Such protection not only ensures a woman's equal access to employment, it also ensures the continuation of often vital income which is necessary for the well-being of her entire family. Safeguarding the health of expectant and nursing mothers and protecting them from job discrimination and dismissal are preconditions for achieving genuine equality of opportunity and treatment for men and women at work and enabling workers to raise families in conditions of security.

Job segregation

Cultural and social attitudes towards what constitutes "male" or "female" jobs result in occupational segregation, although the extent of the problem varies from country to country, and from job to job. Women are mainly concentrated in the "feminized" professions such as manufacturing, service industries and nursing and teaching (horizontal occupational segregation), where at the same time they remain in lower job categories than men (vertical occupational segregation).

Men are in the majority among managers, top executives, and higher levels of professional workers whilst women are still concentrated in the lower categories of managerial positions. Both visible and invisible rules have been constructed around the "male" norm, which women sometimes find difficult to accommodate: male and female colleagues and customers do not automatically see women as equal with men, women tend to have to work much harder than men to prove themselves, and sometimes they have to adapt to "male" working styles and attitudes more than necessary.

The issue of women in management is one of importance for managerial jobs also in organizations representing and giving voice to employers and workers. There continues to be a wide gender gap in employer and trade union organizations tasked to engage in social dialogue at various levels that can reversely affect the realization of gender equality and inroads made in working against discrimination at work.

In the Cambodian garment factories both horizontal and vertical job segregation are pronounced. Men tend to be disproportionally represented in technical and management jobs, while women are typically employed in basic production of garments. Thus, discrimination against men exists in terms of access to the more numerous lower skilled and lower paid jobs of assembly line worker, while women face discrimination in terms of access to higher level and pay jobs (e.g. supervisor, machine operator).

ILO Better Factories Cambodia programme

The ILO Better Factories Cambodia Programme was established in 2001 to improve the labour standards and competitiveness of the Cambodian garment industry (see www.betterfactories.org). In 2010 it launched a specific programme component on social protection and gender equality that is aimed at strengthening its capacity to address and integrate social protection and gender elements more holistically to its activities. Its activities aim at improving the well-being and health of women workers and enhancing gender responsive workplace policies. It also aims to promote women's participation in workplace level decision making as an important part and a prerequisite for improving the situation of women garment workers and making the sector more responsive to gender equality concerns.

In 2006, the ILO, in close collaboration with CARE International, conducted a research on "Women and Work in the Garment Industry" which examined critical issues that are of particular concern to women workers, such as health and nutrition, breastfeeding and childcare, personal security, harassment including sexual harassment and workplace relations and dispute resolution. The survey findings reported that sexual harassment happens in factories and women garment workers are subject to harassment from managers, co-workers and men along the road. The study recommends that there is need to understand the incidence of discrimination and sexual harassment more fully, including cultural differences, to be able to design more effective monitoring and policy and program responses.

To fill this gap, the ILO-BFC Social Protection and Gender Project, in cooperation with the UN Women, are commissioning a study on the types and incidence of discrimination at work at the garment factory level in Cambodia. The results of the research are expected to help inform development of policies and practical activities for the work of the ILO and the UN Women and other partners such as Government, Employers and Workers organizations and civil society in working against discrimination and understanding better equal opportunity concerns in the Cambodian garment sector.

2. Objective

The survey is aimed at increasing the understanding of the ILO and the major garment sector actors of the issue in a number of key areas, including: recognition of the various types of discrimination at work at factory level; how and where it can occur in the workplace;

obligations under national law and other provisions (incl. international); understanding of the cultural diversity to the issue; and practical approaches and options for addressing workplace discrimination in the garment factories in Cambodia.

The study will specifically look at some of the areas where discrimination is most likely to occur and where the garment factories can exercise care in their policies and actions. These areas are:

- Recruitment (gender responsive recruitment applying to supervisory posts for example…)
- Career advancement (policies and practices for training and internal advancement…)
- Women at decision-making level (are there any? If women are in these positions is discrimination significantly decreased?
- Retrenchment (some policies or procedures might disproportionately affect women from minority groups, or most recent entrants, or married or pregnant women…)
- Violence at work (sexual (physical and non physical) and non-sexual harassment…)
- Maternity protection (particular protections for women workers in relation to maternity leave, childbirth, nursing room and childcare room and breastfeeding etc…)
- Social origin (discrimination arises because s/he belongs to a widely recognized "class" in society or simply a group with clearly defined social characteristics, e.g. rural migrant, farmer background)
- Age
- Disability
- Sickness
- Conditions of work (the practice of factory in compliance with legal framework and labor law of Cambodia including hours of work, rest periods, OSH measures, social security measures or welfare facilities)

The survey, at possible extent, will also look at direct (different job-related opportunity or treatment is created for men or women only) and indirect discrimination at workplace in Cambodian garment sector (hidden and invisible types of discrimination related to certain requirements, conditions (e.g. working hours) or practices).
Thus, the specific objectives of the survey are to:

- Provide a base line on the types and incidence of discrimination at workplace at the garment factory level;
- Collect good practices and mechanisms, if any, for non-discrimination in workplace at the garment factories;
- Collect case studies on effects of discrimination;
- Provide talking points for business benefits of having an effective non discrimination policy;
- Provide recommendations for improving the situation.

The consultant/research organization shall be tasked to do the following:

- Get information on legislative requirements and review discrimination related standards at factory level (This can range from simple one-sentence provisions prohibiting discrimination in the garment factory at large, to detailed specific provisions or procedures on various discriminatory practices at factory level),
- Examine the types of discrimination at garment factory level: with focus on the types of discrimination and harassment on the grounds of sex/gender, social origin, age, sexual orientation, and disability,
- Review recruitment policies, especially, with respect to recruiting women in supervisory posts at the factories,

- Review maternity protection policies, issues related to the rights of women workers to both reproductive health services and continued work before, during and after pregnancy; ways to accommodate breastfeeding mothers, intervention and legal assistance from factory manager, union association or government, etc,
- Identify the cultural boundaries: common biases and prejudices on gender roles and relations in workplaces among employers, managers and workers
- Examine discrimination and challenges of persons with disabilities to enter the garment sector
- Identify best practices on standards on anti-discrimination at work practiced by garment factories,
- Provide recommendations on practical approaches and options for addressing workplace discrimination in the garment sector in Cambodia.

3. Methodology

3.1. Participatory Learning and Action (PLA) sessions:

The aim of the PLA sessions is to identify current practices, issues and priorities associated with the research topics. The PLA sessions will not designed to be representative of the population of garment workers, but shall be used to assist in designing the quantitative KAP survey. PLA sessions will be organized with:

- Workers (women and men) from selected garment factories;
- Union associations representatives from selected factories,
- Factory managers and HR managers from selected garment factories using a focus group discussion methodology.

Based on the results of the PLA sessions, detailed questionnaires will be then developed for interview with workers, union association, and factory/HR managers for the KAP survey.

3.2. Knowledge, Attitudes and Practices (KAP) survey:

A separate survey will be conducted with workers and factory/HR managers using a sampling strategy designed to collect representative data on the industry as a whole. It is estimated that a total of xx workers from xx factories will participate in the worker's survey and xx factory/HR managers from xx factories will participate in the manager's survey.

Specific methods to be used for interviews with garment workers and factory/HR managers shall be designed in collaboration with the selected consultant. Taking into consideration the specificity of the target group (garment worker), a self-administered interview method (closed questionnaire method) can be used for an interview with workers.

3.3. Interview of key informants:

Individual interviews will be conducted with officials of the relevant Ministries (MoLVT, MoWA etc) and other relevant national stakeholders.

3.4. Review of available information/ materials:

The survey will check and analyze job advertisements (in print, or radio or word of mouth), verbal and written contracts on non-marriage/pregnancy clauses, as well as training, retrenchment and dismissal statistics.

4. Output

4.1. Attitude profile on level of understanding of discrimination related issues (based on the PLA sessions)

4.2. Questionnaires for the KAP survey

4.3. Final report of the survey with qualitative (findings of the PLA sessions) and quantitative (findings of the KAP survey) information with recommendation and case studies.

5. Budget

A total budget reserved for the study is US$ 14,000. A detailed budget shall be developed by the selected consultant and submitted to ILO for approval.

6. Qualifications of consultant

The consultant/research organization must have at a minimum the following qualifications:

- Demonstrated experience in working on development issues, especially gender equality, discrimination, social protection, workplace relations or harassment issues,
- Demonstrated experience in doing field research,
- Ability to analyze research findings and translate the findings into action,
- Knowledge of Cambodian labor law, and labor policies in Cambodia,
- Experience with garment factory would be a strong asset,
- Fluent in Khmer and the good communication skills in English,
- Proven Report writing and analytical skills,
- Proven ability to work within limited time constraints in the preparation of high quality documents

Annex 2

Guiding questions for participatory learning sessions with workers and unionists and interviews with managers

Guiding questions for FGD - workers

Researchers' introduction and informed consent discussion	
Participant introduction	• Workers sex, age, years in factory, years in the industry, civil status, if married n. of children, pregnancy • Name of the factory
Discussing the terms "discrimination" and "gender related discrimination" "harassment" and "sexual harassment"	• Feelings and understanding of discrimination, examples of discrimination, gender roles and discrimination, verbal and physical bad treatment or sexual advances
Discrimination during the recruitment process	• How they have been recruited and facilitators' role, • Tests and questions by the employer, • Medical checks, • Issues considered sensitive in relation to the hiring process, • Failed attempt to be recruited, • Feelings of discrimination at recruitment
Discrimination at the workplace	• Disadvantages due to the fact of being woman/man: pay, contract, benefits, rest time, length of employment and employment security • Different attitudes by supervisors (Khmer, K or Chinese, C) in relation to men and women workers • Differences in treatment due to age, education, civil status, physical appearance, • Discriminatory practices, by who, in which way • Feelings about discrimination in the factory
Motherhood	• Becoming pregnant while working • Contract and employment security in relations with pregnancy • Communicating pregnancy to the employer • Practices to discourage pregnancy by employers • Attitudes of supervisors (K or C) toward pregnant women • Workload during pregnancy • Pre-natal checks and leave for health reasons • Maternity leave pay calculation and payment process • Giving birth • Return to work after maternity leave • Breastfeeding and childcare while working • Feeling about pregnancy and maternity while working

Family care and obligations	• Children care during work and related problems • Family living conditions and housing, • Conflicts and problems related to work • Attitudes toward mothers by supervisors (K or C) • Accommodating family and work for single workers/ remittance, • Feeling about accommodating family and work
Sicknesses	• Well being and sickness while working, • Medical facilities within the factory, • Attitude of supervisors (K or C) in case of sickness and need of health leaves, • Feelings about sickness
Participation and representation in unions	• Becoming a union member • Becoming an active union member • Attitude of supervisors (K or C) toward union members and activists • Participation in unions activities • Women and men roles in unions, decision making, agency, • Feelings about unions
Harassment and sexual harassment	• Occurrence of humiliating or punitive attitudes by supervisors or others • Feelings in case of harassment • Unwanted sexual advances by supervisors or others • Feelings about sexual advances • Complaining about harassment, where, how to whom
Best practices and recommendation	• How to address discrimination, example of positive changes or workplaces best practices, the most urgent problems and solutions or ideas to deal with them, recommendation

Guiding questions for FGD - managers

Researchers' introduction and informed consent discussion	
Participant introduction	• Sex, age, name of the factory, working position years in factory, years in the industry, civil status, if female and married n. of children
Discussing the terms "discrimination" and "gender related discrimination" "harassment" and "sexual harassment"	• Feelings and understanding of discrimination, examples of discrimination, gender roles and discrimination, verbal and physical bad treatment or sexual advances
Recruitment of workers	• How workers are recruited • Workers best characteristics and how are they tested • Issues considered sensitive in relation to the hiring process • Reasons for not hiring

Workplace	• Differences in working characteristics of men and women • Normal working positions of men and women (sewer, cutter, folder, ironer, QC, packing, mechanists, group leader, supervisor, accountant, personnel, manager) • Main advantages/disadvantages of men and women workers in each position
Factory accommodation of women's reproductive role	• average number of pregnant workers and staff • measure to accommodate for their problems, average number of workers and staff in maternity leave, measure to accommodate mothers' return to work, problems in dealing with pregnancy motherhood
Harassment and sexual harassment	• Occurrence of harassment or sexual harassment among workers or employees • Complains received from workers or staff about harassment or sexual harassment, who, where, how, and how • In case measures taken to deal with the problem
Unionisation	• Men and women workers relation with unions • Problems due to unionization of both workers' categories • How the factory deal with problems arisen from unionization
Best practices and recommendation	• How do your factory address discrimination, Example of positive changes and best practices • Your recommendation

Guiding questions for FGD - unionists

Researchers' introduction and informed consent discussion	
Participant introduction	• Sex, age, union, working position, years in the industry, civil status, if female and married n. of children
Discussing the terms "discrimination" and "gender related discrimination" "harassment" and "sexual harassment"	• Feelings and understanding of discrimination, examples of discrimination, gender roles and discrimination, verbal and physical bad treatment or sexual advances
Discrimination in the workplace	• What have been your experiences about it • Most important problems related to it
Union and gender discrimination	• Unions' programmes and initiatives targeting gender discrimination, positive and negative examples • Women participation and women in decision making positions, women delegates, internal quotas, reserved seats, other

Unions membership	• Differences in women workers and men workers participation in unions activities • How unions accommodate women unionists' family responsibilities and role • How unions target discriminatory attitudes, stereotype
Best practices and recommendation	• How to enhance women workers agency and union role in targeting gender related discrimination • Future perspectives and recommendation

Questionnaires for survey among workers

ILO External Consultants
Office: # 148a, St. 430, Sangkat Tuol Tumpuong2,
Khan Chamkar Mon , Phnom Penh

i. Questionnaire No.	
ii. Date	/August/2011
iii. Interviewer name	

iv. Location

Dangkor 1
Reussey Keo 2
Steung Mean Chey 3
Chom Chao 4
Teuk Thlar 5
Other (specify) 6

v. Setting:

a. room size: small…1 medium….2 large….3

b. # of roomate _____

c. # of people around during interview

alone 1
with roomates 2
crowded 3

d. environment of house: Bac Bad.. 1 Fair….2 Good….3

d1. If bad: >>>> dirty 1
crowded 2
rubish around 3
mosquito 4
mud outside 5
no furniture 6
other .....

Introduction and Informed Consent

My name…… I am an interviewer working for ILO-External consultant, the SPG project. The study is on gender discrimination at the workplace at garment factory in Cambodia.What you will talk to us will be kept strictly confidential. Your name and other identity are not recorded. Even so, you have right to refuse for the interview or not answer to any question you do not want to talk about it, or terminate the interview at any time at yourconvenience. You have the right to ask any question concerning this research.

Background Information

B1. Sex

Female 1
Male 2

B2. Age

≤ 19 1
20-24 2
25-29 3
30-34 4
≥ 35 5

B3. Province of Origin

K. Cham 1
Prey Veng 2
Svay Rieng 3
K. Thom 4
K. Chhnang 5
Takeo 6
Kampot 7
Other (specify) 8

B4. Level of education

None 1
Primary not completed 2
Primary 3
Secondary not completed 4
Secondary 5
High school 6
Higher 7

B5. Reading and Writing

Well 1
Medium 2
Just a little bit 3
Cannot read/write 4

Recruitment

R1. How did you find the work?

myself 1
friends/relatives, ... 2
ringleader 3
Other (specify) 4

R.2 How was the process of finding job?

easy 1
difficult 2
nor easy nor difficult 3
don't know 4

R3. Have you had the feeling of being discriminated at recruitment based on:

	yes	not
age too young	1	2
age too old	1	2
sickness	1	2
sex woman	1	2
sex man	1	2
being married	1	2
being pregnant	1	2
skin colour	1	2
not skillful	1	2
not beautiful	1	2
poor	1	2
not educated	1	2
political affiliation	1	2
union membership	1	2
union activism	1	2
from countryside	1	2
ethnicity	1	2
Other (specify)	1	2

Work Experience

W1. What is the name of your factory?

_____

vi. Is it an export factory?

Yes 1
No 2
Don't know 3

vii. Factory size (number of workers) about:

< 200 1
200-300 2
301-400 3
401-500 4
501-600 5
601-700 6
701-800 7
801-900 8
901-1000 9
>1000 10
Other (specify) 11

viii. Nationality of owner

Taiwan 1
SKorea 2
Hong Kong 3
Malaysia 4
China 5
Cambodian 6
Cambodian join venture 7
EU 8
US 9
Other (specify) 10

W2. In how many factories have you worked?

only this one 1
two 2
three 3
4 or more 4

W3. why did you change from the previous factory?

not so much work to 1
do/low overtime 2
too much overtime 3
too strict rule 4
Other (specify) 5

W4. Have you ever been dismissed from the factory?

Yes 1
No 2

W4a If yes why?

factory reduce activity/close 1
often sick 2
often late 3
often refuse OT 4
join union 5
pregnancy 6
Other (specify) 7

W5. How long have you been working in the last factory?

< 3 months 1
< 6 months 2
6-12 months 3
1-2 years 4
> 2 years 5
> 4 years 6

W6. What type of contract you are holding?

Probation, ... 1
FDC 3 month 2
FDC 6 months 3
FDC 11 months 4
UDC 5
no contract 6
Other (specify) 7

W7. What is your position?

sewing 1
cutting 2
ironing 3
folding 4
packing 5
knitting 6
quality control 7
mechanist 8
group leader 9
guard 10
Other (specify) 11

W8. Which one is the best position in the factory in terms of?

work _____
salary _____
don't know

W9. Are women and men working in this position…

equally 1
more women 2
more men 3
don't know 4

W10. How is the sewing organised?

by chain, ... 1
by piece, ... 2
don't know 3
don't apply 4
Other (specify) 5

W11. How many hours you normally work per day?

8 h 1
8 h + 2 h OT 2
8 h + > 2 h OT 3
Other (specify) 4

W12. At what time do you usually arrive home from work?

16.30 1
17 2
18 3
19 4
20 5
21 6
after 21 7

W13. How much is your average monthly salary

MW + benefits and OT ($)? _____$

W14. Which benefits do you receive?

attendance bonus only 1
seniority bonus only 2
attendance bonus and seniority bonus 3
Other (specify) 4

W15. What is your average OT earn per month?

_____

W16. Do you work on Sunday?:

never, ... 1
rarely, ... 2
often, ... 3
normally, ... 4
Other (specify)..... 5

Health

He1. Have you ever have any health problem?

yes 1
no 2

He2. Where did you get health care?

Health center 1
Public hospital 2
Factory doctor 3
Private clinic 4
Pharmacy..... 5
Traditional healer 6
Other (specify) 7

He1a. What kind of disease?

_____
_____

He3. The last time you were sick how much did you spend for doctor and medecine?

_____ Riel
_____ USD

He4. Did you get sick leave from factory?

yes 1
no 2

He5. **If you get sick leave how many days?** _____

He6. **If not why?** _____

Living conditions and civil status

L1. **Where do you live?**

parents' house 1
house shared with peers 2
house with myhusband/ wife and children 3
Other (specify) 4

L2. **Is your living place near the factory?**

walking distance 1
transportation 15'- 30' 2
> 30' 3

L3. **How mcuh do you spend for one meal outside home?** _____ **Riel**

L4. **If living with peers do you usually cook and eat together?**

yes 1
no 2
Other (specify) 3

L5. **Do you manage to save money for unplanned expenditures or emergencies**

always 1
most of the months 2
only some months 3
never 4
Other (specify) 5

L6. Do you send remittance home?

Yes 1
No 2

L6a. How much is it on average?

_____ riel
_____ USD

L7. **Civil status:**

single ..... **1 jump to PD1**
married 2
divorced 3
widow 4

L8. **If married:**

couple living together 1
separated 2

L9. **Husband/ wife's work?**

temporary 1
permanent 2
unemployed 3
Other (specify) 4

L10. **N of children:** _____

L11. **Have you ever had misscarrage?**

Yes 1
No 2

Pregnancy and Maternity

P1. **Are you pregnant?**

Yes 1
No 2

(If no children and not pregnant jump to PD1)

P2. **Are you afraid of losing the job because of pregnancy?**

Yes 1
No 2

P3. **Do you have paid leave for medical pre-natal check every month?**

1 h 1
half day 2
1 day 3
no paid leave 4
leave but cut attendance bonus 5

P4. **Do the factory facilitate pregnant women:**

provide lighter work, ... 1
allow more rest or toilet pauses, ... 2
anticipated exit, ... 3
Other (specify) 4

P5. **What problems may you encountered while you were pregnant?**

difficulties to cope with work rhythm, ... 1
sickness, ... 2
not enough toilet pauses, ... 3
supervisor reproach, ... 4
co-workers reproach, ... 5
factory managers reproach, ... 6
fear of contract not renewal, ... 7
fear of dismissal 8
Other (specify) 9

If pregnant and no children jump to PD1

P6. **If you have had children while working, did you get maternity leave 90 days?**

Yes 1
No 2

P7. **If not, why?**

not yet reached 1 year of seniority 1
FDC contract lasted 11 months 2
FDC contract was not renewed 3
Dismissal 4
Other reasons (specify) 5

P8. **If the contract was not renewed or you were dismissed, how many month of pregnancy?**

_____ month(s)

P9. **Did you receive maternity pay 50% of average MW + benefits:**

Yes full amount 1
No only 50 % of MW 2
Less than 50% MW 3
Other (specify) 4

P10. **Payment of maternity leave:**

All amount the last day of work 1
monthly, ... 2
all amount the first day of return to work, ... 3
all amount 1 month after returning, ... 4
later 5
Other (specify) 6

P11. **Where the child/chidren birth place:**

in PP 1
in my original province 2
Other (specify) 3

P12. **Your child/children delivery place was:**

at home 1
in a Health Center 2
in a public Hospital 3
in a private Hospital 4
Other (specify) 5

P13. **Do you remember how much you paid delivery medical care ($)?**

≤ 10 1
11-20 2
21-30 3
31- 50 4
51-100 5
≥ 100 6

P14. **Did you borrow money to pay for delivery** medical care?

Yes 1
No 2

P15. **Did you come back to work after 90 days?**

Yes 1
No ..... 2 >>>> **P15a. Why?**

not recovered 1
want to stay more with the baby 2
baby do not tolerate formula 3
baby illness 4
Other (specify) 5

P16. **Did you come back to work with your newborn baby?**

Yes 1
No ..... 2 **P16a Why´**_____

_____

P17. **After maternity leave you was allowed to breast feeding time 30'+ 30'/ day?**

Yes 1
No 2
Other (specify) 3

P18. **After maternity leave was your work lighter?**

Yes 1
No 2
Other (specify) 3

P19. **After maternity leave you come back in the same position?**

same position 1
new position 2

P19a. **If you got a new contract after maternity leave, it was:**

Probation, ... 1
FDC 3 months, ... 2
FDC 6 months, ... 3
UDC, ... 4
Other (specify) 5

P20. Do you use nursing room in the factory?

Yes 1
No 2
Other (specify) 3

P20a. If not, why?

No nursing room in the factory 1
My baby was/is in the village 2
No time for breast feeding 3
Other (specify) 4

P21. Do you use day care center in the factory?

Yes 1
No 2
Other (specify) 3

P21a. If not, why?

No day care center in the factory 1
My baby was/is in the village 2
Day care has no child attendant 3
Other (specify) 4

P22. If no day care employer pays cost:

Yes ..... 1 if yes how much?
No ..... 2 _____ USD
Other (specify) 3

P23. Where do your child/ children live:

with you in PP ..... 1 jump to PD1
with parents in hometown 2
with relative in hometown 3
Other (specify) 4

P24. If they are away why:

No one take care of them 1
No time to take care of them 2
Not enough money to pay for babysitter or school 3
All these reasons 4

Unionisation

U1. Do your factory have Unions?

Yes 1
No 2
Factory does not allow 3
Don't know 4

U2. Are you a member of a union ?

Yes 1
No 2

U3. Wht you become member of a union?

Useful 1
other workers do 2
trust leaders 3
Other 4

U4. Why you do not join the union?

not useful 1
feel afraid 2
do not trust leaders 3
Other 4

U5. Are union leaders more men, women or both?

Men 1
women 2
both 3

Perception of Discrimination

PD1. Have you ever felt not treated equally, discriminated in the factory?

Yes 1
No 2
Don't know 3

PD2. If yes why?

because of:

age too young 1
age too old 2
sickness 3
sex woman 4
sex man 5
being married 6
being pregnant 7
skin colour 8
not skillful 9
not beautiful 10
poor 11
not educated 12
political affiliation 13
union membership 14
union activism 15
from countryside 16
ethnicity 17
Other (specify) 18

PD3. If yes how?

mocking 1
looking down 2
using bad word 3
scolding 4
moving to other sectors where work is
more heavier 5
threatening 6
not renewing contract 7
dismissing 8
Other (specify) 9

PD4. Who discriminated you?

factory manager 1
administration 2
Khmer supervisor 3
Chinese supervisor 4
factory doctor 5
factory nurse 6
group leader 7
co workers women 8
co workers men 9
guards 10
all of them 11
Other (specify) 12

PD5. Did you complain about that:

Yes ..... 1 >>> **PD5a. If yes with whom did you complain:**
No ..... 2 factory personnel, ... 1
Other ..... 3 union, ... 2
NGO, ... 3
Other (specify) 7

PD7. With what result?

none 1
hearing and discussing the case, ... 2
bring complain at higher levels, ... 3
get compensation 4
Other (specify) 5

Harassment

H1. Have you ever been harassed , mistreated, verbally or physically?

Yes ..... 1 >>>>>>>>>>
No 2
Don't know 3

H1a. If yes who harass you?

factory manager 1
administration 2
Khmer supervisor 3
Chinese supervisor 4
factory doctor 5
factory nurse 6
group leader 7
co workers women 8
co workers men 9
guards 10
Other (specify) 11

H1b If yes how?

_____
_____

H1c. Did you complain about that?

Yes 1
No 2
Other 3

H1d. If yes with whom did you complain?

factory personnel, ... 1
union, ... 2
NGO, ... 3
co workers, ... 4
friends, ... 5
family, ... 6
Other (specify) 7

H1e. With what result:

none 1
hearing and discussing the case, ... 2
warn perpetrator, ... 3
bring complain at higher levels, ... 4
get compensation 5
Other (specify) 6

H2. Have you ever been sexually harassed?

Yes ..... 1 >>>>>>>>>>
No ..... 2 Finish
Don't know ..... 3 Finish

H2a. If yes who harass you?

factory manager 1
administration 2
Khmer supervisor 3
Chinese supervisor 4
factory doctor 5
factory nurse 6
group leader 7
co workers women 8
co workers men 9
guards 10
Other (specify) 11

H2b. Could you explain in which way?

_____

H2c. Did you complain about that?

Yes 1
No 2
Other 3

H2d. If yes with whom did you complain?

factory personnel, ... 1
union, ... 2
NGO, ... 3
co workers, ... 4
friends, ... 5
family, ... 6
Other (specify) 7

H2e. With what result:

none 1
hearing and discussing the case, ... 2
warn perpetrator, ... 3
bring complain at higher levels, ... 4
get compensation 5
Other (specify) 6

Annex 4

Discrimination related provisions in Cambodian legislation

General non-discrimination prohibitions	"Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status." (Constitution, Article 31.2) "Except for the provisions fully expressing under this law, or in any other legislative text or regulation protecting women and children, as well as provisions relating to the entry and stay of foreigners, no employer shall consider on account of: race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities; to be the invocation in order to make a decision on: hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of employment contract. Distinctions, rejections, or acceptances based on qualifications required for a specific job shall not be considered as discrimination" (Labour law, Section 2 Non-discrimination,Article 12). Penalties for violating Article 12 of the Labour law range from a fine of sixty-one to ninety days of base daily wage to imprisonment of six days to one month (Labour law, Article 369).
Gender equality	"Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work" (Constitution, Article 36). "All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields especially with respect to marriage and family matters. […]"(Constitution, Article 45). "A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits." (Constitution, Article 46.3). Articles 182-185 of the Labour law provide for maternity leave, benefits, health protection and breastfeeding breaks for women during pregnancy and after childbirth. Article 186 provides for establishment of nursing rooms and daycare centers in the workplace.
Sexual harassment	"[…] All form of sexual violation (harassment) is strictly forbidden." (Labour law, Article 172.) "Every act of touching, caressing, fondling of sexual organ or other sexual parts of the others, who do not accept this act voluntarily, or forcing the other person to commit such act on self or third person for the purpose of sexual arousal or pleasure of the perpetrator is considered as sexual harassment.. Sexual harassment act is punishable by 1 (one) to 3 (three) year imprisonment term and a fine of Riels 2,000,000 (Two Million) to 6,000,000 (Six Million)." (Penal Code, Article 246: Sexual Harassment)

Persons with disabilities	"Persons with disabilities who have the required qualifications and competence to carry out the duties, role and responsibilities of a particular position have the right to be employed without discrimination, including employment as civil servants, workers, employees, apprentices or interns" (Law on the Protection and the Promotion of the Rights of Persons with Disabilities, Article 33). The law also establishes a quota for employment of persons with disabilities (Articles 34-35) and requires employers to provide reasonable accommodation to workers with disabilities (Article 38). Those employers who are not able to fulfill the quota obligation need to pay a charge to the Persons with Disabilities Fund (Article 37). A fine may be imposed on legal entities or state institutions failing to comply with the above obligations (Article 54).
Persons living with HIV and AIDS	"Discrimination in any form at pre and post employment, including hiring, promotion and assignment, living in society based on the actual, perceived or suspected HIV/AIDS status of an individual or his/her family members is strictly prohibited. Any termination from working based on the actual, perceived or suspected HIV/AIDS status of individual or his/her family members is deemed unlawful" (Law on the Prevention and Control of HIV/AIDS, Article 36). Discrimination against persons living with HIV and AIDS is also prohibited in education and in access to credit and loan services (Articles 37, 40). In addition, the law prohibits compulsory HIV testing (Article 20) and protects confidentiality of health information of persons living with HIV and AIDS (Article 33). Penalties for violating the above provisions range from a fine to imprisonment of one to six months (Articles 51-2).
Trade union membership	"Khmer citizens of either sex shall have the right to form and to be member of trade unions." (Constitution, Article 36(5)) "Employers are forbidden to take into consideration union affiliation or participation in union activities when making decisions concerning recruitment, management and assignment of work, promotion, remuneration and granting of benefits, disciplinary measures and dismissal" (Labour law, Article 279).
Casual workers	"Casual workers are subject to the same rules and obligations and enjoy the same rights as regular workers, except for the clauses stipulated separately" (Labour law, Article 10).
Criminal liability for discrimination	"The act of refusing to provide assets or services to an individual is punishable by 1 (one) month to 1 (one) year imprisonment term and a fine of Riels 100,000 (One Hundred Thousand) to 2,000,000 (Two Million) if such refusal is made on the following ground: 1. The fact that the person is or is not a member of a specific ethnicity, national group or race; 2. The fact that the person is or is not a member of a specific religion; 3. Political affiliation of the person; 4. The person's involvement in union activities; 5. Marital status of the person; 6. Sex of the person; 7. Health status of the person; 8. Disability of the person." (Penal Code, Article 265: Refusal to Provide Assets or Services)

	"Refusal to employ a person is punishable by 1 (one) month to 1 (one) year imprisonment term and a fine of Riels 100,000 (One Hundred Thousand) to 2,000,000 (Two Million) if such refusal is made on one of the grounds as mentioned from Point 1 to Point 8 (Refusal to Provide Assets or Services)of Article 265 of this code." (Penal Code, Article 267: Refusal to Employ a Person) "Dismissal or removal of a person on one of the grounds as mentioned from Point 1 to Point 8 (Refusal to Provide Assets or Services) of Article 265 of this code is punishable by 1 (one) month to 1 (one) year imprisonment term and a fine of Riels 100,000 (One Hundred Thousand) to 2,000,000 (Two Million)." (Penal Code, Article 269: Dismissal or Removal on the Ground of Discrimination) Article 505 of the Penal Code criminalizes also provocation to commit discrimination on the grounds of ethnicity, nationality, race or religion. Article 503 specifies that provocation is punishable when it is committed by speech, by writing or sketches or by any means of audio-visual communications for the public.

Action-oriented research on gender equality and the working and living conditions of garment factory workers in Cambodia

Women workers form the backbone of Cambodia's garment industry. They make a substantial contribution to their families, communities and country, and the industry continues to rely heavily on their hard work. Cambodia's garment sector strives to promote fair labour practices through independent monitoring of compliance with the fundamental international labour standards and national laws. This study examines the working and living conditions of garment workers and their perceptions on discrimination and harassment in the workplace with a view to increase understanding on how to promote gender equality in the factories and improve the economic and social well-being of the industry's mostly female labour force. It intends to contribute to the further development of a responsible corporate model of garment production for the mutual benefit of companies and workers, and men and women alike.

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