

WOMEN AND EMPLOYMENT

(Cambodia Women Garment Workers' Experience)

SHADOW REPORT

for Pre-Sessional Working Group for 74th Session
of the Committee on the Elimination of Discrimination Against Women
(CEDAW)

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Executive Summary

Worker's Information Center (WIC) is a women garment workers association in Cambodia, which aims to empower workers by building workers' awareness of their rights, and organising to advocate for their rights.

Given WIC's area of focus and the specific target group with whom we work, this report is focussed on Article 11 of CEDAW, drawing on the experiences and issues facing women garment workers in Cambodia.

The Textile and Footwear industry in Cambodia employs around 605,129 workers¹ (about 90 percent are women). The industry continues to be the backbone of the Cambodian economy, which, in 2016, accounted for 10.50 percent of GDP, valued at USD7,322 million² in exports. Although Cambodia's apparel industry workforces are predominantly female, very few women are at the highest financial and policy-making levels within the factory management and unions. Women workers still endure bad working conditions, poor enforcement of labour laws, and unsafe neighbourhoods.

Notably, during the last review of the Government of Cambodia, the Committee specifically noted its concern about the poor working conditions for women employed in the garment industry in Cambodia and made specific recommendations to the State Party. This shadow report is structured to provide further information and evidence to inform the Committee's consideration of the implementation of these recommendations. In particular, this report highlights the following:

1. Despite the increase in the minimum wage over the past several years, the working and living conditions of women garment workers have not improved. The cost of living, including room rental fees and utilities, have significantly increased. At the same time, there has been a reduction of workers on the production line and an increase in production targets.
2. The practice of factories sub-contracting production to 'sweatshops' is leading to job insecurity for workers and working conditions which do not comply with labour laws such as the right to a basic wage, safe working conditions and access to social security and health services.
3. Inspections by Labour inspection groups are usually conducted with limited information-sharing with the factory floor workers, and the inspection results are not made public for workers.
4. 90 percent of women garment workers have migrated from other provinces. The fundamental principles and rights articulated by the ILO must apply equally to all workers and their families in Cambodia, including those who have migrated internally to seek employment opportunities.
5. Despite requirements under the Labour Law, infirmaries often do not have adequate supplies and workers have been denied medical leave for illness related to menstruation.
6. Factories have also failed to provide nursing rooms or staffed day-care centres as required by law. In addition, pregnant women often cannot access the protection and benefits they are entitled to in circumstances where factories operate using fixed duration contracts.
7. Sexual harassment in the workplace is another significant issue for women workers. A 2017 study found that one in three female garment factory workers report experiencing sexually harassing behaviour in the workplace³.

¹ http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_555290.pdf

² *ibid.*

³ https://insights.careinternational.org.uk/media/k2/attachments/SHCS_Full_Technical_Report_March_2017.pdf

Introduction

The Government of Cambodia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 14th November 1992; and ratified the Optional Protocol of CEDAW on 13th October 2010. The Government of Cambodia had submitted the combined first, second and third period reports in 2003 and reviewed by the Committee in 2005; the combined fourth and fifth periodic reports was submitted in 2010 and reviewed by the Committee in October 2013 (refer to para 1 of State Party report).

In June 2018, the Government of Cambodia had submitted the sixth periodic report and the report will be reviewed by the Committee in October 2019.

This shadow report brings women's experiences, concerns and recommendations, in particular the garment industry women workers, to the Committee to inform the review of the sixth periodic report of the Government of Cambodia.

Organisational Background

Worker's Information Center (WIC) is a women garment workers association in Cambodia, which emerged from a workers' empowerment project, Womyn Agenda for Change (WAC), and was registered with the Ministry of Interior in 2009. WIC aims to empower workers by building workers' awareness of their rights, and organising to advocate for their rights.

Worker's Information Center has five (5) drop-in centres (DICs) functioning in four (4) districts of Phnom Penh (where the garment factories and workers are located). The DICs aim to provide safe and accessible spaces for workers: i) to come and rest; ii) to share their experiences; iii) to discuss their working, living and social conditions; and iv) to access information and to build social networks.

WIC has a bottom-up approach, where women workers are organized, and define problems and root causes through critical analysis, then develop a strategic plan with clear demands and solutions, and collectively advocate for structural, systemic and policy change. Workers advocate for policy change through evidence-based advocacy which is documented through participatory action research.

Worker's Information Center is part of the United Sisterhood Alliance (Us), an alliance of four women's groups working as a solidarity organisation dedicated to addressing the needs of the community (in particular women and marginalised groups) and to realise socio-economic development and justice in Cambodia.

Employment and Women Garment Workers

Article 11: *State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of the equality of men and women, the same rights*⁴.

Given WIC's area of focus and the specific target group with whom we work, this report is focused on Article 11 of CEDAW, with a specific focus on the experiences and issues facing Women Garment Workers in Cambodia.

We note that during the last review of the Government of Cambodia, the Committee specifically stated its concern about the poor working conditions for women employed in the garment industry in Cambodia as well as the continued occupational segregation, the concentration of women in low-wage and unskilled labour sectors, as well as at the persistent gender pay gap (CEDAW/C/KHM/CO/4-5 Para 34).

Article 11 is referred to in paragraphs 233 to 242 and paragraphs 121 to 131 of the State Party's Sixth periodic report submitted by Cambodia under article 18 of the Convention, CEDAW/C/KHM/6 ('the State Party's Report'). This shadow report provides information on the experiences and issues faced by female garment workers which have not been addressed in the State Party's report.

The Textile and Footwear industry in Cambodia employs around 605,129 workers⁵ (about 90 percent are women). The industry continues to be the backbone of the Cambodian economy, which, in 2016, accounted for 10.50 percent of GDP, valued at USD7,322 million⁶ in exports. Although Cambodia's apparel industry workforces are predominantly female, very few women are at the highest financial and policy-making levels within factory management and unions. Women's workplace concerns have yet to be effectively addressed. Women workers still endure bad working conditions, poor enforcement of labour laws, and unsafe neighbourhoods.

In CEDAW/C/KHM/CO/4-5, paragraph 35, the Committee made the following recommendations in relation to the employment and protection of Cambodian women garment workers.

a) Measures to eliminate occupational segregation and to narrow the gender pay gap (CEDAW/C/KHM/CO/4-5, para 35 (a))

The National Employment Policy 2015-2025 of the Cambodian government (referred to para 121 of the State Party's report) aims to increase decent employment opportunities for Cambodian people, where key measures include the assessment of employment needs for both males and females at the sectoral and sub-sectoral levels, and the inclusion of separate targets for men and women that monitor employment⁷. The Law on Minimum Wage was promulgated on 6 July 2018⁸, and the 1997 Labour Law

⁴ Convention on the Elimination of all form of Discrimination Against Women (CEDAW) and its Optional Protocol, United Nations Human Rights Office of the High Commissioner (Cambodia) and UN Women, December 2014, p.19.

⁵ http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_555290.pdf

⁶ *ibid.*

⁷ The National Employment Policy 2015-2025, The Royal Government of Cambodia (2015).

⁸ <https://www.dfdl.com/resources/legal-and-tax-updates/cambodia-legal-update-law-on-minimum-wage-dated-6-july-2018-law-on-minimum-wage/>

(Article 12) prohibits discrimination on the account of colour, sex, race etc in hiring, work assignment, training, benefits and promotion, discipline or termination of employment contract.

According to the International Labour Organisation study in 2016, the pay gap in all sectors in Cambodia is almost 20 percent; the garment industry was less than 10 percent⁹. The smaller pay gap in the industry may come from the minimum wage is set by the tripartite negotiation and announced publicly by the Ministry of Labour and Vocational Training. However, while the minimum wage is set for the industry, the pay gap between male and female workers continues to exist.

The collective action of workers has contributed to an increase in the minimum wage. For example, since the government established the Tripartite Negotiation Committee on minimum wage in 2014, there has been an annual increase in the monthly minimum wage as follows, 2014: USD100, 2015: USD128, 2016: USD140, 2017: USD153, 2018: USD170 and 2019: USD182. This increase in the minimum wage and the employment opportunities generated in the garment industry for predominantly female workers, is noted at para 121 of the State Party’s report. However, even though there has been a minimum wage increase over the past several years, the working and living conditions¹⁰ (see Box A) of women workers have not improved. The cost of living, including room rental fees and utilities, have significantly increased. Based on a recent study done with workers, women workers spent minimum USD30 for monthly room rental fees and utilities (water and electricity), and USD68 for food per month¹¹.

Box A: Women Workers’ Living Conditions

- Rented room fee between USD20 to USD45 (non-negotiable & increased)
- Room are generally small, unhygienic, and unsafe
- Cost of living (foods, house utilities) have increased
- Workers (92%) access private water (1,200Riels per cubic or 2,500 per cement tank)
- Workers (50.7%) experienced theft or break-in at accommodation (mostly during day time)
- Experience (38.9%) sexual harassment (82% use words while 12% use sign of inappropriate behavior i.e. whistle, stare at women’s movement and body)
- The sexual harassment took place on the way to and from work (54%), at the place of residence (24%) and at workplace (14%).

Apart from struggling with living conditions and expenses, workers face tremendous difficulty in the workplace since production targets in factories have doubled *“previously we produced 3,000 pieces a day (7am to 4pm) and with overtime until 6pm or sometime over time till 8pm. But after the minimum wage has increased, we had to produce 5,000 pieces (of the same style) a day and by 4pm.”* Worker at Cambo Ko Top Ltd¹².

A reduction in number of workers (3 – 5 workers) on the production line and an increase in production targets have had negative implications for workers. In addition, for workers who earn per piece rate, the rate

remains low. These changes have significant impacts on women workers because they have to double their efforts in production, work over time to reach targets and when workers leave work late in the evening many experience verbal harassment and inappropriate behaviour by groups of men on their way home. Workers receive time restrictions for toilet breaks and drinking water. Moreover, workers often experience serious psychological violence in the form of intimidation, insults and threat of dismissal from their supervisors and line management.

⁹ https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_466268.pdf

¹⁰ The Reality of National Economic Backbone, Worker’s Information Center (March 2017)

¹¹ The Draft Report on Living and Working Conditions of Women Garment Workers, Worker’s Information Center (2018).

¹² Cambo Ko Top Ltd. Factory case study, Worker’s Information Center (November 2018).

In the last few years, it has been observed that workers have been relocated from their specific task and skillset to other sections in the factory. This has occurred at least 3 to 4 times per month, with workers allocated to a different section for around two to seven days¹³. This practice has been conducted by the factory with the rationale that work has to be completed immediately, and that workers need to help others to ensure that production is finalised. However, it has caused confusion amongst workers about their responsibilities, and their productivity has slowed down when they are moved to a new section. In addition, because they have not been consulted or informed in advance, workers have felt devalued and that they are not being respected by factory management.

“We used to sew, and when we finished the materials at our section, the supervisor moved us to packaging, to ironing section and even to quality check section... the factory moved us around to different section and skill when one section does not have work or when workers at that section had dissolved and placed to different sections. We are not happy because we used to sit and sew, and when we moved to another section, we had to stand and work.”- workers at Cambo Ko Top factory.

“I feel like I want to quit because every time they (the factory management) moved me to another section, I feel complicated and don’t know exactly what is my work station. I feel demotivated.” worker at Southland (Cambodia) Co., Ltd.

The enforcement of Fixed Duration Contracts (FDC) in the factories is increasingly common resulting in job insecurity for workers. Some factories suspended the employment contracts of workers in the main factory (with the rational of no orders from buyers) and have then sub-contracted their products to other factories/sweatshops where labour law and worker’s rights are not respected. Each sweatshop employs from 50 to 300 workers and around 20 to 30 percent are under age (under 18 years old). The sweatshops are not registered, and are normally referred to by their location since they do not have names¹⁴. The sweatshops do not follow the Labour Laws nor respect workers’ rights including the rights to basic wages and other fringe benefits (when they provided basic wages, these were less than the minimum wage determined by law¹⁵).

Suggested questions for committee to ask the state:

- *How will the government address the increase in the cost of living? The wage of workers is set at the minimum rate, however the cost of living continues to increase without regulation, as well as the increase in inflation each year.*
- *What is the Ministry of Labour and Vocational Training doing in respect to the working conditions at the factories including the doubling of targets, reduction of workers, and sub-contracting of production to other factories and sweatshops?*
- *What measures has the Ministry of Labour taken to ensure that private companies comply with the Labour Law and protection of workers’ rights in subcontracting factories especially sweatshops?*

¹³ Case Study of three (3) factories include Southland (Cambodia) Co., Ltd., Cambo Ko Top Ltd., and Hoyear (Cambodia) Garment Limited, Worker’s Information Center (November 2018)

¹⁴ Where Do These Materials Go?, Worker’s Information Center (May 2018).

¹⁵ When the wage was USD140 in 2016, workers at sweatshop got only USD90; and while wage was USD170 in 2018, workers work at sweatshop got between USD100 to USD120 per month (Focus Group Discussion with workers in October 2018).

- *How often will the Department of Labour Inspection conduct inspections at each factory? Would it be possible and feasible for the Department to conduct inspections two or three times per year?*
- *What steps has the government taken to ensure inspections are conducted in a transparent manner, in which factory floor workers are informed of both the time and objective of the inspection, as well as the report or results of the inspection? What steps will it take to ensure this?*

Recommendations

- The Ministry of Labour and Vocational Training to closely monitor the conditions at the factories and ensure a zero pay gap between male and female workers in the industry.
- The Cambodian government to consider regulating and effectively controlling the price of the cost of living and commodity prices in order to ensure the minimum wage set is a living wage.
- The Cambodian government to standardise the rented room building of workers to ensure safety, security and good living conditions for workers. The considerations include room size, ratio of residence in the room, facilities and utilities access and safeguard with affordable price.
- The Ministry of Labour and Vocational Training, especially the Department of Labour Inspection, to conduct inspection and take actions through official report and remedies (according to the law on labour chapter III, section 2).
- The Cambodian Government to introduce a mechanism to ensure the registration and compliance with Cambodian labour laws by sweatshops.

b) Measures to enforce labour laws, particularly in the garment and low paid sectors (CEDAW/C/KHM/CO/4-5, para 35 (b))

The State Party's Report (para 126) reported that, in 2014, 49 labour inspection groups were established nationwide, comprising of 607 members (84 women) trained on labour inspection, medical labour inspection, and labour conflict resolution procedures. In 2016, 8,763 labour inspections were conducted by the Ministry of Labour and Vocational Training (MoLVT).

However, workers' experiences show that the inspections are usually conducted with limited information-sharing with the factory floor workers, and the inspection results are not made public for workers. Only when a request has been made from the factory to put workers under employment suspension, has the inspection been carried out with discussions with the workers' representatives and some workers have been informed. Since the inspections have been carried out without the workers' awareness and knowledge, irregularities have often occurred at the factories.

In 2016, it was found that M&V International Manufacturing Ltd. (Branch 3) had suspended workers for over nine (9) months continuously (from July 2015 to March 2016), with 50 percent minimum wage through an agreement between the factory management and union inside the factory¹⁶. Moreover, the suspension of employment was approved by the Department of Labour Inspection from the Ministry of Labour and Vocational Training, according to the request of the factory, with the rationale that the factory did not have the production order and based on inspections and meetings with workers. However, the

¹⁶ Where Do These Materials Go?, Worker's Information Center (May 2018)

workers reported that the factory had transported the products to a sub-contracting factory and other sweatshops¹⁷.

Another factory, (Evergreen Apparel (Cambodia) Co., Ltd., suspended employment of workers for one to two days (from September 2018 until February 2019) with 50 percent minimum wage without proper legal procedure and inspection of the Ministry of Labour and Vocational Training¹⁸. The Department of Labour Inspection only conducted a visit when a group of workers from the factory submitted a letter to inform them about the irregularity at the factory. Currently, the factory has closed its gates, has not provided workers with employment according to the law (Article 83) and kept workers outside the factory without being informed or following proper procedure. Yet, no responses or actions have been taken by the Department of Labour Inspection or the Ministry of Labour and Vocational Training.

In addition to the specific cases mentioned above, the Cambodian Garment and Footwear Sector Bulletin (Issue 6, May 2017) reported the growth of subcontracting enterprises¹⁹. While these subcontracting factories contribute to economic growth and are part of the industry, they are being used as a way to bypass regulations²⁰.

Suggested questions for committee to ask the state:

- *As the Labour Law (chapter III on health and safety of workers) seem to focus on main factory safety and health inspection, and it does not provide a clear guideline on inspections in the production flow and chain to be carried out in main factory and of their subcontracting factories/ sweatshops. How will inspections of the production line and operation of the main factory (and their subcontracting enterprises) be conducted? How will workers be involved or participate in the inspection process with the Department of Labour Inspection?*
- *How will the Cambodian Government or the Ministry of Labour and Vocational Training respond to and inspect the subcontracting factories, especially sweatshops that are not registered and are not compliant to the Labour Laws? How will women workers' rights be protected and guaranteed?*

Recommendations

- The Department of Labour Inspection at Ministry of Labour and Vocational Training regularly conduct inspections (proposed at least twice a year). These inspections should take into account the production line and flow (of main factory and the subcontracting enterprises) and include the participation and awareness of workers during the inspection process.
- The Cambodian government should take steps to monitor and regulate the development of sweatshops in the textile and footwear industry and introduce a mechanism to ensure registrations of these sweatshops, compliance with labour laws and the protection of workers' rights.

¹⁷ *ibid.*

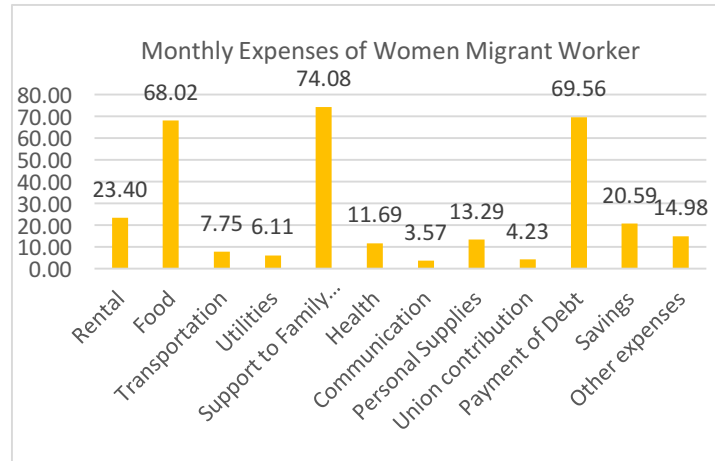
¹⁸ The Law on Labour, Article 71 *'when the enterprise faces a serious economic or material difficulty or any particular unusual difficulty which leads to a suspension of the enterprise operation. This suspension shall not exceed two months and be under the control of the Labour Inspector.'*

¹⁹ http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_555290.pdf

²⁰ *ibid.*

c) Consider acceding to the ILO Convention No. 189 on decent work for domestic workers and the Convention on the Protection of All Migrant Workers and Member of their Families (CEDAW/C/KHM/CO/4-5, para 35 (c))

A survey conducted in December 2017 by workers at Worker’s Information Center, showed majority of women workers are single woman with an average of 28 years of age and migrants from different provinces, mainly from Prey Veng, Svay Rieng and Kampong Thom province. The majority of migrant garment workers have primary level education. Most migrant garment workers hold Fixed Duration Employment Contracts (66%) and are union members (69%); earn an average USD 231.72 per month; pay an average of USD70 of debt; and remit an average of USD74 a month²¹.



While the Cambodian government has a policy on labour migration²² and mechanism to protect migrant workers, and is a signatory to the UN International Convention on the Protection of the Rights of All Migrant Workers and Member of their Families (CMW) (see State Party’s report para 130), there is less focus and measures taken to protect the rights of internal migrant workers, such as women garment workers. 90 percent of women garment workers have migrated from other provinces. The fundamental principles and rights articulated by CEDAW General Recommendation 26 on women migrant workers, CMW and the ILO must apply equally to all workers and their families in Cambodia, including those who have migrated internally to seek employment opportunities.

Suggested questions for committee to ask the state:

- *How will the government support women migrant workers so that their earnings are sufficient for themselves and their family members?*
- *What protection and social services can family members of women migrant workers access or be entitled to (for example access to education, social and health services), since women migrant workers contribute significantly to the national economy and GDP growth?*

Recommendations

- The Cambodian government to implement policy and procedures to protect internal migrant workers and members of their family, similar to the policy the state has for foreign migrant workers and cross-border migrant workers.
- Ensuring the protection and access to social services for the family members of women migrant garment workers including the right to access education, social and health services.
- The Cambodian Government to provide measures as per General Recommendation 34, so that women are not forced to migrate to the city for job.

²¹ The Draft Report on Living and Working Conditions of Women Garment Workers, Worker’s Information Center (2018)

²² <http://un-act.org/wp-content/uploads/2017/01/Labour-Migration-Policy-for-Cambodia-2015-20181.pdf>

In addition, to the recommendations made by the Committee outlined above (a – c), this report also recommends that the Committee consider a recommendation in relation to Article 11(e) and 11(f) as follows:

d) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave (CEDAW Article 11 (e))

In 2015, the National Assembly passed a law on room rental, and, in 2016, a bill on access to public electricity for workers was issued. In addition, on 29th August 2017, a bill was issued to limit the water price to Riels 800 (USD 0.20) for workers. Under the 2002 Law on Social Security Schemes, the National Social Security Fund (NSSF) was established in 2007, and the accident insurance scheme was rolled out in 2008 for workers, and extended to the healthcare insurance scheme in 2016 (refer to para 241 of the State's Party report). At the start of the NSSF implementation, workers and employers had to contribute to the insurance scheme. However, under the sixth mandate of the government, the NSSF insurance is fully (100 percent) paid by the employer.

In 2017, the National Social Security Fund had an agreement with 1,273 local health centres (national public hospital, provincial and district as well as commune healthcare centres) and with 11 private clinics²³ to provide healthcare services for workers (for free). In addition to the healthcare coverage scheme, the NSSF also provided maternity benefits that include 70 percent of wages for women workers during (90 days) maternity leave, and additional support to women workers who give birth, i.e. USD100 for one child, USD200 for twin children, and USD300 for triplets.

Workers access to health services through the National Social Security Fund (NSSF) has proved difficult because the public hospital or healthcare centre is located quite a distance from the factories where workers work (only 11 private clinics were contracted with NSSF). Therefore, workers had to pay for the transportation fee to go to the hospital and they also had to ask for leave from work which is very difficult to get approved by supervisors. Therefore, only 15.6 percent accessed public hospital and many (64 percent) used private clinics and pharmacy, and pay an average of USD5 to USD25 per visit²⁴. In addition to access issues, workers also mention the quality of services at the public hospital remains limited.

"I stayed at the hospital for 2 days with treatment and medication from doctor, however, my health condition was not better and the fatigue was worsened. I had to go to private hospital, where they did the injection and IV and I've got better but I need to pay USD 50²⁵" worker at Toek Thla area.

The National Social Security Fund benefits provided protection and social insurance for workers, especially women workers in the textile and footwear industry. A pregnant woman worker who worked for six (6) years at one factory in Chak Angre Krom area and became a member of NSSF healthcare scheme in August 2017 really appreciated the benefits provided through NSSF because she got her maternity benefits according to the policies.

²³ Announcement Letter No. Special KB, on local health services which had agreement with National Social Security Fund (NSSF) for workers, Ministry of Labour and Vocational Training and Ministry of Health, 1st September 2017.

²⁴ The Reality of The National Economic Backbone, Worker's Information Center (March 2017)

²⁵ Workers' Page Newsletter, issue #11, Worker's Information Center (December 2018)

“I did my maternity check up regularly at Health Centre in Chak Angre Krom, and I gave birth on 22 May 2018 at Calmet hospital through the NSSF services. After the labour, I stayed 3 days and 2 nights at the hospital and doctor treated me well. When I left the hospital, doctor gave me iron medicine for two (2) weeks and medicines for my energy for three (3) days. Addition, I also got my 70 percent of minimum wage for three months from NSSF (with the amount of 1,700,000 riels (USD425) and also 400,000 riels (USD100) benefit after delivery.”²⁶”

However, the insurance and benefits only cover workers who work at the main factories and not those who work in the sweatshops. A pregnant woman who works at sweatshop along National Road No 2 requested the National Social Security Fund for her and other workers at the sweatshop. Aside from the maternity benefits, NSSF provides protection for work injury and the pension benefits in the future, which workers (at unregistered sweatshops) will not be able to access despite working in the production line of the main and exported factory.

“When there is no NSSF service at the sweatshop, I lost a lot of benefits include maternity check-up, delivery services and healthcare, the 70 percent of minimum wage for three (3) months during the maternity leave, and additional benefits the government provided through NSSF.”²⁷”

Moreover, workers who worked in the factory for 5 years up to 20 years,²⁸ when their factories were closed, their NSSF card only remains in effect for two (2) months after the employer stopped paying the membership fee. Therefore, these women workers who have paid their membership for decades will not be able to access the protection and health services as well as benefits provided through the NSSF insurance schemes.

After the bill on access to public electricity was issued in 2016, the implementation of the law was carried out by Electric Du Cambodge (EDC), and 89.2 percent accessed public electricity according to “The Reality of The National Economic Backbone” report in March 2017²⁹. In some areas where the bill has not yet been implemented, workers advocated with landlords and EDC to ensure access is provided to workers.

However, the bill that regulated the water price for workers, which was issued in August 2017, is not effectively implemented at the garment workers’ rented rooms. Workers continue to access the water with a high price. According to a case study from workers in three (3) areas of Phnom Penh city, the price of water remained high, i.e. 3,000 riels to 5,000 riels (USD 0.75 to USD 1.25) per cubic meter in Toek Thla; 1,200 riels to 1,400 riels (USD 0.30 to USD 0.35) in Chak Angre Krom; and 3,000 riels (USD 0.75) in Chumpuwoan area³⁰.

²⁶ Workers’ Page Newsletter, issue #11, Worker’s Information Center (December 2018)

²⁷ *ibid.*

²⁸ Yu Da factory closed on 7th February 2018 and M&V International Manufacturing (Branch 3) closed in April 2018.

²⁹ The Reality of The National Economic Backbone, Worker’s Information Center (March 2017)

³⁰ Workers’ Page Newsletter, issue #12, Worker’s Information Center (December 2018)

Recommendations

- The Cambodian government guarantee protection and social benefits for all workers regardless of where the workers are working.
- Ensure the inspection and registration of all enterprises, including sweatshops, and that the owner or employer of the enterprise respect the laws and offer the National Social Security Fund insurance and protection to all workers.
- The Cambodian government to develop mechanism for social security beyond the insurance scheme and to ensure access to social security of workers even after the employment contracts.
- Measures and monitoring mechanisms need to be developed to ensure the enforcement of bill, prakas or law that set by the government.

e) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction (CEDAW Article 11 (f))

The law on labour (article 239 242 and 244) state that enterprises employing at least fifty workers shall have a permanent infirmary on the premises of the establishment. The infirmary shall be supplied with adequate materials, bandages and medicines to provide emergency care to workers in the event of accidents or occupational illness or sickness during work. According to the checklist done by workers, 22 out of 23 factories have an infirmary at the factory³¹. However, workers mentioned that there are not adequate supplies and medicines for workers who fall ill and sometimes workers had to go outside the factory to buy medicines for themselves³².

“The medical supplies are filled at the infirmary only when there is visitors or audit visit, after the visit for a week, the medicines are all cleared and removed.”³³”

When women workers got pain during their menstruation, supervisor does not allow sick leave to workers, instead asked them to endure the pain as this is the regular (monthly) women issue.

“They allowed us to stay at the infirmary for half to an hour if the pain is severe and we could not work.³⁴ We could not ask for sick leave, if we cannot endure the pain, then we have to take leave without pay.”

The law on labour (article 186) requires enterprises to set up a nursing room or day-care-centre if the enterprise employing minimum of one hundred women or girls. Five (5) out of 23 factories provide no such facility for working mothers while the rest, provide either nursing room or day-care-centre without employing a person at the centre. CARE project baseline survey with over 500 workers showed that 44%

³¹ The Draft Report on Living and Working Conditions of Women Garment Workers, Worker’s Information Center (2018)

³² Focus Group Discussion (at Prey Tea area) Notes, Living and Working Condition of Women Garment Workers study, Worker’s Information Center (December 2018)

³³ *ibid.*

³⁴ *ibid.*

spend more than USD10 per week on childcare³⁵. An ILO report also found the garment industry in Cambodia has successfully recruited a young and predominantly female workforce, however, some evidence shows that women often subsequently return to agriculture after marriage or having children³⁶.

“I’ve asked administrator to request the employer to have day-care-centre at our factory, if not possible, maybe provide financial support to mother to put the baby at the place outside the factory.”³⁷

In addition, pregnant women workers often cannot access the protection and benefits they are entitled to under the law on labour and the National Social Security Fund in circumstances where the factories operate using fixed duration contracts for one month, two to six months; and when the factory is closed, *i.e. Yu Da Factory closed and eight-month pregnant worker concern over no money for her delivery*,³⁸ and the contract is terminated without legal responsibility and proper compensation from the employer.

Sexual harassment in the workplace is another significant issue for women workers. CARE International Cambodia study report in March 2017 on The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry found nearly one (1) in three (3) female garment factory workers report experiencing sexually harassing behaviour at the workplace³⁹. The Labour Law and the Criminal Code exist in Cambodia as regulatory frameworks related to sexual harassment. The Labour Law is supposed to have a clear definition of sexual harassment in the workplace, but, it does not do so⁴⁰. There is only one article 172 related to sexual violence stating that “all form of sexual abuse is strictly prohibited.” However, it is not clear what behaviour this provision applies to, nor it is clear how it is to be enforced because there is no remedy provision in the labour law apply⁴¹.

³⁵ CARE presentation at consultation workshop on “Gender Equality and CSR among Chinese Investors in Garment Industry in Cambodia” organized by The Asia Foundation (TAF) and Chinese National Textile and Apparel Council (CNTAC), 27th February 2019.

³⁶ https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_466268.pdf

³⁷ Focus Group Discussion (at Prey Tea area) Notes, Living and Working Condition of Women Garment Workers study, Worker’s Information Center (December 2018)

³⁸ <https://www.phnompenhpost.com/national/workers-protest-factory-shutdowns>

³⁹ https://insights.careinternational.org.uk/media/k2/attachments/SHCS_Full_Technical_Report_March_2017.pdf

⁴⁰ <https://www.care.org.au/wp-content/uploads/2015/06/FINAL-Report-of-Legal-Framework-Analysis-of-VAGWSH-Edited-by-Robin-2015...pdf>

⁴¹ *ibid*

Recommendations

- The Ministry of Labour and Vocational Training (MoLVT) to ensure the permanent infirmary is functioning with enough medical supplies and adequate materials for sick workers according to the requirements of the labour law.
- The Ministry of Labour and Vocational Training to ensure that factories provide women workers the right to sick leave as needed even if the leave is related to their monthly menstruation.
- MoLVT to enforce the law on labour and guarantee the provision of nursing and childcare services for working mother respectively.
- MoLVT to work with all factories to set up a mechanism for sexual harassment reporting, and addressing violations and ensure the collective bargaining for women workers to address such issues in a respectful and sensitive manner.
- The state to guarantee job security by enforcing the application of Unspecified Duration Contracts (UDC) at the factories and provide protection for pregnant women when the factory is closed so they can continue to access benefits under the National Social Security Fund maternity scheme.

Conclusion and List of Recommendations

The last review of the Government of Cambodia, the Committee specifically noted its concern about poor working conditions for women employed in the garment industry and made specific recommendations to the State Party. The Government of Cambodia had made significant improvement and has reformed a number of policies related to the garment industry to ensure workers' protection and benefits.

Despite the government efforts, women garment workers continue to face challenges at their living and working areas, as well as experience exploitation and harassment at work and through the production chain. The experiences and challenges include high price of the cost of living and utilities; high production target with reduction of workers in the production line; terminated contract without proper legal compensation and subsequently facing unsafe working conditions with no social security at the sweatshops. In addition, the enforcement of the law on labour and the conduct of labour inspections is observed as limited at the factories, which allowed the factories to not comply according to the laws and regulations set by the government.

Therefore, the following recommendations are made for the Government of Cambodia in respect to the conditions and experiences of women garment workers and in ensuring the protection of rights and life with dignity for women workers in this industry and for all.

- Ministry of Labour and Vocational Training to closely monitor the conditions at the factories and ensure a zero pay gap between male and female workers in the industry.
- The Cambodia government to consider regulating and effectively controlling the price of the cost of living and commodity prices in order to ensure the minimum wage set is a living wage.
- The Cambodia government to standardise the rented room building of workers to ensure safety, security and good living conditions for workers. The considerations include room size, ratio of residence in the room, facilities and utilities access and safeguard with affordable price etc.

- Ministry of Labour and Vocational Training, especially the Department of Labour Inspection, to conduct inspection and take actions through official report and remedies (according to the law on labour chapter III, section 2).
- The Cambodian Government to introduce a mechanism to ensure the registration and compliance with Cambodian labour laws by sweatshops.
- The Department of Labour Inspection at Ministry of Labour and Vocational Training regularly conduct inspections (proposed at least twice a year). These inspections should take into account the production line and flow and include the participation and awareness of workers during the inspection process.
- The Cambodia government should take steps to monitor and regulate the development of sweatshops in the textile and footwear industry and introduce a mechanism to ensure registrations of these sweatshop, compliance with labour laws and the protection of workers' rights.
- The Cambodia government to implement policy and procedures to protect internal migrant workers and members of their family, similar to the policy the state has for migrant workers who originate from abroad.
- Ensuring the protection and access to social services for the family members of women migrant garment workers include the right to access education, social and health services.
- The Cambodian Government to provide measures as per General Recommendation 34, so that women are not forced to migrate to the city for job.
- The Cambodia government guarantee protection and social benefits for all workers regardless of where the workers are working.
- Ensure the inspection and registration of all enterprises, including sweatshops, and that the owner or employer of the enterprise respect the laws and offer the National Social Security Fund insurance and protection to all workers.
- The Cambodia government to develop mechanism for social security beyond the insurance scheme and to ensure access to social security of workers even after the employment contracts.
- Measures and monitoring mechanisms need to be developed to ensure the enforcement of bill, prakas or law that set by the government.
- The Ministry of Labour and Vocational Training (MoLVT) to ensure the permanent infirmary is functioning with enough medical supplies and adequate materials for sick workers according to the requirements of the labour law.
- The Ministry of Labour and Vocational Training to ensure that factories provide women workers the right to sick leave as needed even if the leave is related to their monthly menstruation.
- MoLVT to enforce the law on labour and guarantee the provision of nursing and childcare services for mother respectively.
- MoLVT to work with all factories to set up a mechanism for sexual harassment reporting, and addressing violations and ensure the collective bargaining for women workers to address such issue in a respectful and sensitive manner.
- The state to guarantee job security by enforcing the application of Unspecified Duration Contracts at the factories and provide protection for pregnant women when the factory is closed so they can continue to access benefits under the National Social Security Fund maternity scheme.

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Annex

1. Where Do These Materials Go?, Worker's Information Center, May 2018. Please find attached annex.