



# WOMEN AND GENDER ISSUES IN TRADE UNIONS IN THE CAMBODIAN GARMENT INDUSTRY



International Labour Organization  
Social Protection and Gender Project



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2011  
Phnom Penh, Cambodia

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# WOMEN AND GENDER ISSUES IN TRADE UNIONS IN THE CAMBODIAN GARMENT INDUSTRY

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## I. THE GARMENT INDUSTRY, WOMEN WORKERS AND UNIONS

### A. The Garment Industry: An Overview

The garment industry in Cambodia has become the engine driving the national economy. It accounts for about 12% of the country's gross domestic product (GDP). It employs about 300,000 workers (of whom about 90% are women) and accounts for 65% of manufacturing employment. It also generates the largest share of Cambodia's foreign currency earnings (76% of total exports in 2005). Still reeling from the global financial downturn, Cambodia's garment and apparel exports reached 2.6 billion U.S. dollars in 2009, 15.5% down from the 3.1 billion U.S. dollars earnings in 2008. Nonetheless, Cambodia's garment industry continues to grow in the post-quota environment, albeit at a slower rate. Garment and textile exports rose more than 20 percent for the first 11 months of 2010 compared to the same period last year (Kunmakara 2011). Cambodia Economic Watch attributes the continued increase of the Cambodian garment industry to three main factors: (1) the industry benefited from safeguard measures imposed by the US and the EU to restrain Chinese exports; garment factories maintained its good labor compliance; and (3) the industry benefited from the recent improvement in trade facilitation reforms which reduced time and cost related to shipments of imports and exports. (EIC 2006, cited in Neak and Yem 2006: 5).

Cambodia's garment industry has been almost exclusively driven by foreign investments and remains virtually 100% foreign owned. Most of these foreign owners are largely based in East Asia. About 65% of garment exports go to the U.S., making it the industry's biggest market. About 23% to 25% of total exports go to the European Union.

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<sup>1</sup> Authors' names are listed alphabetically to reflect their equal contribution to the research. The authors acknowledge the valuable comments and insights on the draft report from the following persons: Ms. Nelien Haspels; Ms. Annemarie Reerink Chief Technical Advisor Women's Entrepreneurship Development and Gender Equality ILO Decent Work Team for East and South-East Asia and the Pacific, Bangkok, Thailand; Mr. Daniel Cork; and Undraa Suren, Project Coordinator, ILO BFC Social Protection and Gender Project, Phnom Phenh, Cambodia and Mr. Tuomo, Chief of Technical Adviser of ILO-BFC.

Following the signing of a Trade Agreement on Textile and Apparel between the Kingdom of Cambodia and the United States of America on 20 January 1999, the Garment Sector Working Conditions Improvement Project, later renamed *Better Factories Cambodia* (BFC), was launched among other projects. The basic objective of the project was to improve working conditions in Cambodia's textile and apparel sector through a set of interventions, among which is to increase the capacity of workers and their respective organizations to improve working conditions through their own efforts.<sup>2</sup>

Trade unions, through their power of representation, collective bargaining and other forms of labor action, can push for better working conditions for the overwhelmingly women workforce in the garment industry. Equally importantly, trade unions can give voice to women workers at the workplace and empower them to challenge the discrimination they face at the workplace and beyond. It is in this light that this study examines how trade unions integrate and embed women and gender equality issues in their structures, processes and agenda.

## **B. Women in the Labor Market**

The latest official data relating to Cambodia's labor market is derived from the Cambodia Socio-Economic Survey in 2007 by the National Institute of Statistics (NIS). Of the 7,844,113 economically active population aged 10 years and over, women comprised about 49% (3,837,570). The same proportion was registered in the 2004 survey.

Of the 7,792,468 employed persons in 2007, women accounted about 49% (3,809,914), the same proportion in 2004. Among the 51,645 unemployed in 2007, women comprised the majority at nearly 54%, up by 3% from the 2004 figure. This means that there are more unemployed women than men.

In terms of employment status, most workers were unpaid family workers (45.7%) in 2004, and only 12.9% were paid workers. Table 1 indicates that majority (60.7%) of women were unpaid family workers. Only 9.3% of all women workers were paid employees. About 29.7% were own account workers. On the other hand, majority (53.1%) of men were own account

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<sup>2</sup> Others are the following: “establishing and operating an independent system to monitor working conditions in garment factories; providing assistance in drafting new laws and regulations where necessary as a basis for improving working conditions and giving effect to the labour law; increasing the awareness of employers and workers of core international labour standards and workers' and employers' rights under Cambodian labour law; increasing the capacity of employers and workers and their respective organizations to improve working conditions in the garment sector through their own efforts; and, building the capacity of government officials to ensure greater compliance with core labour standards and Cambodian labour laws” (Makin and Sakda 2006: 3).

workers. Only 29.6% were unpaid family workers. Nonetheless, only 16.8% of men were paid employees.

**Table 1: Percentage of Employees by Main Employment Status by Sex, 2004**

Sex	Employment status					
	Total	Employer	Paid employee	Own account worker	Unpaid family worker	Other
Both sexes	100.0	0.2	12.9	41.0	45.7	0.2
Males	100.0	0.3	16.8	53.1	29.6	0.2
Female	100.0	0.2	9.3	29.7	60.7	0.1

Source: National Institute of Statistics.

Among the 1,810,962 paid employees by industry in 2007, women comprised about 41%. Of the 2,783,079 own account workers during the same period, women accounted 38% while men about 62%. However, majority of unpaid family workers were women (63%).

Table 2 indicates that women paid employees outnumber men in only four industries, namely: agriculture, hunting and forestry (53%); manufacturing (70%); accommodation and food service activities (73%); and activities of households as employers (81%).

**Table 2: Number of Paid Employees (aged 10 years and over) by Industry and Sex, 2007**

Industry	Paid employee		
	Both sexes	Male	Female
	1	2	3
Total	1,810,692	1,071,603	739,089
Agriculture, hunting and forestry	309,048	145,418	163,629
Fishing	22,348	19,836	2,512
Mining and quarrying	4,894	2,751	2,143
Manufacturing	379,154	115,268	263,887
Electricity, gas and water supply	10,144	6,955	3,189
Construction	280,398	254,424	25,975
Wholesale and retail trade, repair of motor vehicles etc.	45,113	24,085	21,028
Transportation and storage	123,724	107,966	15,758
Accommodation and food service activities	27,225	7,316	19,909
Information and communication	7,144	6,534	610
Financial and insurance activities	1,637	1,221	416
Real estate activities	3,096	3,000	96
Professional, scientific and technical activities	1,853	1,609	244
Administrative and support service activities	117,420	69,901	47,519
Public administration and defense; compulsory social security	190,901	159,091	31,810
Education	114,544	58,619	55,925
Human health and social work activities	31,113	22,783	8,330
Arts, entertainment and recreation	29,822	15,806	14,016
Other service activities	45,647	25,169	20,478
Activities of households as employers	35,773	6,814	28,959
Activities of extraterritorial organizations and bodies	29,694	17,036	12,657
Other industry not classified elsewhere	0	0	0
Respondent don't know the industry	0	0	0

Source: Cambodia Socio-Economics Survey, National Institute of Statistics

Table 3 indicates growth of certain occupational categories in general between 2004 and 2007, namely: legislators, senior officials and managers; technical and associate professionals; clerks; craft and related trade workers; and plant and machine operators and assemblers. In 2004, women clerks (53%), service and shop and market sale workers (67%), and craft and related trade workers (55%) outnumbered men. In 2007, women outnumbered men only in service and shop and market sale work (69%). It appears that despite the growth of occupations in 2007 in which women outnumbered men in 2004, women have lost their predominance in clerical and craft and related trade work. Also, Table 3 shows the existence of job segregation as women are disproportionately occupying low-skilled and concomitantly low paid jobs. According to UNIFEM et al (2004), there is a 33% gender disparity in income in Cambodia. This means that taking experience, age and education into account, men's wages on average are 33% higher than

women's. The same report notes that the largest wage difference occurs between young men and young women aged 15-29 who have no schooling.

**Table 3: Percentage of Employed Persons aged 10 years and over by Primary Occupation and Sex, 2004 and 2007**

Primary Occupation	2004			2007		
	Total	Male %	Female %	Total	Male %	Female %
Legislators, senior officials and managers	53,673	95	5	61,488	72	28
Professionals	219,220	67	33	207,486	59	41
Technical and associate professionals	32,107	65	35	141,576	72	28
Clerks	11,592	47	53	134,032	61	39
Service and shop and market sale workers	921,943	33	67	909,693	31	69
Skilled agricultural and fishery workers	4,632,544	52	48	4,213,300	51	49
Craft and related trade workers	420,017	45	55	685,377	62	38
Plant and machine operators and assemblers	418,850	52	48	598,669	56	44

Specific to the garment industry, the only official data available to date on the number of workers is the 2001 Cambodia Labour Force Survey by the NIS. As of November 2001, the number of workers employed in the manufacture of apparel was pegged at 200,011, 84% (167,983) of whom were women. Nonetheless, this proportion of women workers still corresponds to recent estimates of between 85% and 90%.

Women own account workers and unpaid family workers also outnumbered men in the garment sector (manufacture of textiles and apparel) in 2001. Of the 88,719 own account workers in the sector, women comprised 84%. Likewise, of the 38,738 unpaid family workers in the sector, women accounted for about 79%.

A summary of select labor market indicators discussed above is presented in Table 4.

**Table 4: Women in the Labour Market in Cambodia**

<b>Indicators</b>	<b>%</b>
Women as % of economically active population (10 years old & over), 2007	49
Women as % of employed, 2007	49
Women as % of unemployed, 2007	54
Women as % of paid employees, 2007	41
Women as % of own account workers, 2007	38
Women as % of unpaid family workers, 2007	63
Percentage of paid employees among women workers, 2004	9.3
Percentage of own account workers among women, 2004	29.7
Percentage of unpaid family workers among women, 2004	60.7
<i>Industries where paid women workers outnumber men, 2007</i>	
Agriculture, hunting and forestry	53
Manufacturing	70
Accommodation and food service activities	73
Activities of households as employers	81
<i>Percentage of women workers in garment industry by type of employment, 2001</i>	
Women as % of own account workers	84
Women as % of unpaid family workers	79

Overall, despite the fact that the number of men and women in the total workforce is almost the same, more women are self-employed or unpaid family workers. This unfavorable situation of women in the labour market is one factor why Cambodia scores poorly in the Gender Inequality Index<sup>3</sup> (ranking 95 out of 138 countries) in the 2010 Human Development Report of United Nations Development Programme.

### **C. Women's Working Conditions in the Garment Industry**

Women working in the garment industry come primarily from rural areas, making their employment in this industry perhaps their first experience in formal employment (Makin and Sakda, 2006). According to a study of the Asian Development Bank and Cambodian Researchers for Development (ADB and CRD, 2004) women workers belong to relatively large families and migrate mainly for economic reasons to support their families and their siblings to gain an education. Around 72% are single, 22% married and 6% divorced or separated (ADB and CRD, 2004). The same report indicates that over 50% have a partial elementary education, and 74% are

<sup>3</sup> "Gender Inequality Index is a composite index measuring loss in achievements in three dimensions of human development – reproductive health, empowerment, and labour market, due to inequality between genders." (UNDP, 2010; <http://hdrstats.undp.org/en/indicators/68606.html>)



under 25 years old. Although they have initially low level of skills, they become more skillful through experience and training (ibid).

### *General working conditions*

Working conditions of women in the garment sector have been discussed in a number of reports especially since the Better Factories Cambodia Project. It is important to underline here that since the majority of garment workers come from rural areas, and often live away from traditional family support structures, they are much more vulnerable to exploitation and to work-related problems than other workers. Moreover, there is a general lack of knowledge among Cambodian garment workers on the rights pertaining to women workers provided by the labour law according to a Baseline Study<sup>4</sup> on Violations of the Cambodian Labour Law (Nuon and Serrano, 2009).

Some of the findings of the study by Nuon and Serrano (2009) on violations of the Cambodian Labor Law in the garment industry affirm results of other studies including those of ILO's on the level of compliance of labor standards in the garment sector. The study noted a relatively good or high compliance in the payment of minimum wage and overtime pay, freedom of association (in terms of increase in the number of unions), and prohibition of child labour. Low compliance is however noted in respecting union rights (i.e. the right to strike, collective bargaining), overtime duration (majority of respondents were required to render overtime work daily), non-provision of sleeping quarters for night work, and some aspects of occupational safety and health (housekeeping, adequacy of working space, toilet sanitation, ventilation, passageway safety, noise level, temperature, accessibility of fire escapes, and to some extent adequacy of illumination). It was also found out that non-provision of legislated benefits is rampant on the following: annual leave (only about 18% of respondents actually enjoyed it), sick leave (only about 10% enjoyed it) and public holiday (only about 2% enjoyed it).

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<sup>4</sup> The study involved a survey of 563 workers (75% were women) in 34 factories in the garment and apparel industry.

### *Working conditions specific to women*<sup>5</sup>

*Health Status related to Occupational health and safety* is an issue of major concern for women, particularly given their very precarious status as migrant workers. Hence, according to Cambodian Researchers for Development (CRD), the highest level of worker compensation claims in the sector are for diseases related to mosquitoes, hygiene facilities and nutritious food such as typhoid, malaria and diarrhea” (2004, in Makin and Sakda, 2006). The CRD report of 2004 stated that “many workers do not eat well as they are trying to maximize savings to send home; at the same time they worry about the effects on their health of eating food lacking in nutrition or hygiene (ADB and CRD, 2004). More importantly such problems point to the very low level of wages for women prevailing in the garment sector. The survey report of Makin and Sakda (2006) which looked more deeply into these issues showed how “fainting/feeling dizzy was the second most common cause of sick leave reported by workers and the third by managers”. Such cause was mostly related to “both not eating enough and being affected by chemicals/cloth debris” (Makin and Sakda, 2006: 1). Poor hygiene practices (mostly due to lack of facilities at the workplace) and presence of mosquitoes (in nearly three quarters of factories) which bit workers particularly during evening overtime as other factors related to health problems at the workplace were also identified (ibid).

*Pregnancy and maternity leave* entitlement is provided by the Labor Law. Employers must give employees who give birth 90 days (3 months) of maternity leave. Women with uninterrupted service of a minimum of one year are entitled to maternity leave at half of their regular wage. The wage is calculated on the basis of the employee's average pay (not on the minimum or basic wage) during the 12 months prior to departing on maternity leave. Employers are prohibited from dismissing women during their maternity leave. Moreover, during the first two months after returning from maternity leave employees may only be required to perform light work. However, as with other labor standards, the enforcement aspect leaves much to be

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<sup>5</sup> This section is based mostly on the study *Cambodia: Women and Work in the Garment Industry* by Makin and Sakda of 2006. The study, commissioned by the ILO-Better Factories Cambodia and the World Bank, consisted of a survey designed to explore workers’ and managers’ knowledge, attitudes and practices around a number of issues: health and nutrition, breastfeeding and childcare, personal security, harassment including sexual harassment, and workplace relations and dispute resolution. The survey instruments were designed following a series of Participatory Learning and Action (PLA) discussion sessions with workers and HR/admin managers. The results of the survey were presented and discussed to obtain more detail and clarification in focus group discussions with workers and managers. A total of 981 workers and 80 HR/admin managers participated in the surveys.

desired. The October 2004 Technical Assistance Report for the Asian Development Bank by Cambodia's Ministry of Commerce mentions that maternity benefits, overtime, meal allowances, annual leave, sanitation facilities, and facilities for breastfeeding and childcare are not adequately enforced by government authorities (Ministry of Commerce and ADB, 2004: 79). The same report cites anecdotal evidence: an employee who had been working for four years in a factory was provided a maternity allowance of US\$68 by the factory and US\$12.50 by the trade union when she had her first child, when her salary at that time was almost US\$60 a month.

*Childcare and breastfeeding* is deemed to be a much wider problem than just of women in the garment sector. Indeed, according to the Cambodia Demographic and Health Survey for 2000, although 96% of mothers breastfeed, only 2% of them do so exclusively (Makin and Sakda, 2006: 4). Such low level of breastfeeding occurs despite quite high awareness on the association between infant deaths, morbidity and suboptimal breastfeeding (ibid). In fact according to Makin and Sakda (2006: 1) 80% of workers with children report they would like to breastfeed until at least 6 months, and over 50% young children of workers living close enough to the factory would like to take advantage of breast-feeding breaks. In 2006 only 30% of Cambodian garment factories were equipped with functional and accessible nursing room (ibid).

Although the Labour Law (Art. 186) stipulates clearly the conditions<sup>6</sup> related to the childcare and breastfeeding for enterprises employing at least 100 women, Makin and Sakda (2006: 4) refer to an ILO monitoring report which “indicated that 86% of the factories covered by the report had failed to provide a childcare centre or costs [childcare costs in the absence of daycare centre at the factory], and 88% had failed to set up a functional and accessible nursing room. In 43% of factories, workers were either not given or not aware of their entitlement to paid breast-feeding breaks.”

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<sup>6</sup> Art. 184-186: For the first year of a child's life, mothers have the right to one hour per day paid breast-feeding breaks during work hours. Mothers may take this hour as 2 periods of 30 minutes each (e.g. 30 minutes during both the morning and afternoon shifts). The exact time of breast-feeding should be agreed between the mother and her employer. If there is no agreement, the breaks should take place half way through each shift. Giving milk formula or payment instead of breast-feeding breaks is not allowed under the law. Breaks for breast-feeding are in addition to the normal breaks that an employee receives. Employers should ensure that mothers are aware of their right to time-off for breastfeeding. An employer who employs 100 women or more must set up an operational nursing room. An employer who employs 100 women or more must set up an operational day care center. If an employer is not able to set up a day care center for children over 18 months of age, then they must pay women employees the cost of providing day care for their children.

*Violence and Threats to Personal Security* is a serious issue for women in the garment industry. Whereas reports of robbery, intimidation and sexual coercion do exist, the nature and extent of the problems has been difficult to document (Makin and Sakda, 2006: 4). Moreover, the extent to which personal security concerns and violence are linked to the workplace seems to be unclear (ibid). The 2006 survey undertaken by Makin and Sakda (2006: 2) showed that more than 25% of factories do not provide all their workers with insurance for work-related accidents and illnesses. This is so in the face of evidence that “traffic accidents were the single most common cause of insurance claims and resulted in the most time lost to sick leave after typhoid”, with over 50% of workers subjected to such accidents or having a friend who had an accident in the previous year (Makin and Sakda, 2006: 2). Likewise, rape is a major safety issue with 9.3% of workers reporting that either they or a close personal friend had been raped in the previous years (ibid).

*Harassment including sexual harassment* is a complex issue to be investigated among women garment workers. Whereas the labour law (Art. 172) forbids sexual harassment and indecent behaviour, the level of reporting of such behaviour is underreported arguably due to the limited understanding of the term (Makin and Sakda, 2006: 4). It was also found that women in the factories are harassed by managers, co-workers and men along the road on the way to and from work and in their free time. The most commonly reported harassment was the non-sexual verbal harassment such as abusive/insulting language, shouting etc (ibid: 2).

Makin and Sakda (2006: 2) showed that the “incidence of sexual and non-sexual harassment was higher in factories with between 500 and 999 workers.” The authors also reported that while “standard procedures for reporting harassment and disciplinary consequences are linked to lower incidences of non-sexual harassment”, the “disciplinary consequences are linked to higher numbers of sexual harassment complaints” (ibid). Interestingly, it was also showed that “workers who had been harassed by their manager in the previous year were significantly more likely to have gone on strike or otherwise stopped work” (ibid).

*Short-term employment contracts* are common in the garment sector in Cambodia. According to C.CAWDU, short-term contract employment has been one of the major factors in the sharp increase in factory-level strikes in Cambodia since 2006.

The Labour Law talks about two types of employment contracts for regular employees: fixed duration contracts (FDCs) and undetermined duration contracts (UDCs). A contract is an FDC if

it: is written, is not longer than 2 years, and has a precise starting and end date. If a contract does not meet these standards, it is a UDC. The Arbitration Council has found that an FDC may be renewed one or more times only if the total length of the employment relationship does not exceed two years. If an FDC is extended or renewed so the total period of the contract is more than two years, then the contract will automatically become a UDC. (ILO, 2005: 8). However, the enforcement of these legal provisions is weak. Many short-term contract workers do not possess an employment card or even a copy of their contract or salary slips. In the baseline study by Nuon and Serrano (2009) for example, majority (64%) of the survey respondents declared that their employer did not provide them a copy of the employment contract.

The widespread practice of short-term employment in the garment sector in Cambodia arguably allows room for employers to use pregnancy as a ground for non-regularization of employment. In study by Nuon and Serrano (2009), while pregnancy pre-screening prior to hiring and regularization is prohibited by law, 30% of the respondents of the survey claimed that women were subjected to such pre-screening prior to hiring or regularization (about 28% of respondents claimed that women are not subjected to pregnancy pre-screening).

Women workers under continuous short-term employment contracts lose seniority and benefits such as maternity leave, annual leave, and wage increases that would accrue with seniority.

*Unfair labour practices and discrimination* is reported to be a concern for women garment workers, too. Hence, the Makin and Sakda (2006: 6) survey pointed to behaviours perceived as unacceptable by women workers such as “lack of sick pay/holiday pay, refusing to change status to permanent after one year, refusing permission for leave, forced overtime, irregular salaries”. Some workers, part of a focused group discussion, claimed that “male workers are given higher salaries and higher raises than female workers, as Chinese managers are afraid of male workers and think they will go on strike otherwise” (ibid: 16). Some workers mentioned that some employers (particularly the Chinese ones) avoid recruiting male workers “because they are strong and easily go on strike” (Makin and Sakda, 2006: 16). Some other workers, according to the survey, noted that it is mostly men that would complain about piece rate as female workers would not dare to do so (ibid).

However it is important to emphasize here that the perception of workers towards discrimination and unfair labour practices is conditioned by their knowledge of labour law

provisions. Nuon and Serrano (2009) investigated in their study the awareness on women workers' rights provided by labour law. They asked workers whether they were aware of pregnancy pre-screening prior to hiring and regularizing and whether that was permitted by the labour law. "Many of the respondents (42%) didn't know that pre-screening for pregnancy prior to hiring or regularization of women workers is prohibited under the Labour Law. A significant proportion (30%) claimed that women were indeed subjected to such pre-screening" (Nuon and Serrano, 2009). However more than half of respondents (59%) answered that pregnant women were not discriminated at the workplace (ibid).

*Workplace Cooperation and dispute resolution* is considered to be an issue which has improved leading to decreasing time lost in disputes according to the managers interviewed in the survey (Makin and Sakda, 2006: 21). The managers attribute the decrease to increased capacity to prevent and manage disputes due to training offered by ILO, the Garment Manufacturers Association of Cambodia (GMAC), unions and the ministry (ibid). The same survey showed that while most disputes are resolved internally, the rest has involved the labour inspectorate (35%), union federations (32%), and/or GMAC (20%) and the Arbitration Council (10%). Workers in factories with 3,000 to 4,999 workers had more trust in immediate supervisors and higher levels management as well as in the Ministry of Labour to resolve their problems than workers in factories employing less or more workers. Likewise, "workers in factories with 5000 or more workers had lower levels of trust in union leaders, shop stewards, the ministry of labour and the arbitration council than workers in smaller factories" (ibid: 24).

#### **D. Legal Framework of Unionism in Cambodia**

The legal framework of unionism in Cambodia is shaped by a number of sources. These include: the Constitution, the Labour Law, regulations of the Royal Government (Sub-decrees) and the Ministry in charge of Labour (Prakas, Circulars and Notices), International Labour Standards of the International Labour Organization (ILO), collective bargaining agreements, employment contracts, and employers' internal regulations.

To date, Cambodia has ratified the eight core conventions of the International Labour Organization (ILO). Four other conventions have likewise been ratified.<sup>7</sup>

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<sup>7</sup> Convention 4 on Night Work (Women), Convention 6 on Night Work of Young Persons (Industry), Convention 13 on White Lead (Painting), Convention 122 on Employment Policy, and Convention 150 on Labor Administration.

The 1993 Constitution of Cambodia accords to citizens the right to form and become members of trade unions, and stipulates that the organization and operations of trade unions shall be determined by law (Article 36). The Constitution also gives workers the right to strike and to engage in non-violent demonstrations (Article 37). It guarantees equality before the law, prohibition of discrimination against women, equal pay for equal work<sup>8</sup>, protection and education for children and recognition of children's rights, respect and recognition of international charters and conventions on human rights, and explicit recognition of particular needs (i.e., disabled and pregnant women).

Cambodia's 1997 Labor Law provides workers the right to organize and be a member of a union of their choice. It covers all forms of employment where there is an employer-employee relationship, except those involving civil servants, judges, the police and the army, pilots, and boat captains. This means that the Labour Law covers only about 10% of the active population. Nonetheless, the Law stands comprehensive on the aspects of labour protection, freedom of association, collective bargaining, and dispute resolution. The Law defines industrial relations and the rights and responsibilities of trade unions. It stipulates in detail the issues related to unions like membership, establishment, demonstration, strike, and collective bargaining.

Establishing federations and confederations of unions is also allowed by the Labor Law under Article 275.

The Labor Law mandates that in all enterprises or establishments employing eight or more workers, the union can appoint a shop steward. Even in non-unionized enterprises employing at least eight workers, it is mandatory for employers to organise elections of shop stewards. The elections must be held within six months after the opening of the enterprise. The law obliges the employer to negotiate collective bargaining agreements with unions with the most representative status.

The Labour Law prohibits employers from discriminating on the basis of union membership and participation in union activities when making decisions on hiring, management and assignment of work, promotion, payment and granting of benefits, disciplinary measures and dismissals. In fact, Articles 293-295 provide special rules for termination of shop stewards and

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<sup>8</sup> Although the Cambodian Labor Law stipulates in Article 12 non-discrimination by employers on the basis of sex, among others, in making decisions as regards remuneration, among others, equal work and work of equal value still needs to be clearly defined. Cambodia has ratified the Equal Remuneration Convention No. 100.

union activists (referred to as protected employees<sup>9</sup>) which employers must follow. The rules are as follows (ILO-BFC, 2005: 45):

- employers may dismiss *protected employees* only after receiving permission from the Labour Inspector;
- however, if a *protected employee* is accused of serious misconduct, the employer can suspend them immediately, while waiting for authorization from the Labour Inspector;
- the Labour Inspector must decide within one month of receiving the employer's request for dismissal. If the Labour Inspector does not give a decision within one month, the request is considered rejected;
- the employer, the employee or the union can appeal the decision of the Labour Inspector to the Minister of Labour within 2 months of being notified of the decision.

The Law obliges the employer to negotiate collective bargaining agreements with unions with the Most Representative Status (MRS), in view of the existence of more than one union in an enterprise. This requirement of the law was further expanded by Prakas 305-22/11/2001 and Notification 16-26/11/2002. Recently, the Ministry of Labour and Vocational Training (MoLVT) issued Notification 033-22/04/2008 which required more information about the reasons for applying for MRS, such as the program and planned activities of the applying unions, their capacity of providing services to their members, and compliance with the MRS registration procedure (e.g., identification of the trade union federation they are affiliated to).

Although the Law provides workers the right to strike and to participate in non-violent demonstrations, there is a limit of minimum service guaranteed in all enterprise. For a strike to be legal, it must first exhaust the process of dispute resolution – negotiation, conciliation, arbitration, and the strike vote. The union is also required to give seven working days notice of the strike to the employer and to the Ministry in charge of Labour. The Labour Law also protects strikers from reprisal. Once the strike is over, the employer must allow strikers to return to work without punishment, unless the employer can prove that the strikers have committed acts of misconduct. Participation in an illegal strike is not, by itself, serious misconduct, but failure to return to work, without valid reason, within 48 hours of a court order is serious misconduct (ILO-BFC, 2005: 53).

#### **E. Women and Trade Unions: An Overview**

It is estimated that about 290,000 workers are employed in the garment industry in Cambodia. According to Makin and Sakda (2006), these workers come from rural areas and for

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<sup>9</sup> For other categories of protected employees, see ILO-BFC (2005: 46).



about 75% of them it is their first full-time job. As mentioned earlier, around 72% are single, 22% married and 6% divorced or separated (ibid). Women comprise about 90% of all workers employed in the garment industry.

### *The extent of unionization in the garment industry*

Unfortunately, it is difficult to determine the extent of unionization in Cambodia due to lack of official statistics and database. Nonetheless, unions in Cambodia are overwhelmingly concentrated in the garments industry where it is estimated that about 60% of workers are union members. It is estimated that nearly 1% of Cambodia's labour force is organised or roughly 13% of its total industrial workforce (Almazan, 2008).

By the end of 2009, there were over 1,000 local unions, 27 federations and officially seven confederations and one alliance of confederation (Nuon and Serrano, 2010: 70). In terms of sectoral distribution, unionisation is estimated as follows (ibid: 71):

- Garments industry: around 60% of 267 garments factories having 294,470 workers
- Rubber and tobacco workers: around 25% of over 309,000 workers
- Construction: around 5% of over 100,000 workers purely in the construction sector and less than 3% if compared to over 200,000 workforce of allied workers in the construction and building products and materials industry
- Tourism: around 0.06% of over 666,600 workers/employees
- Civil service: around 5% of approximately 150,000 civil servants
- Beer promotion<sup>10</sup>: around 5% of approximately 30,000 workers
- Tuk-tuk transport: around 3000 workers (around 30%) have been unionised of approximately 10,000 workers.

There are claims that union membership stands from a high of 489,516 to a low of 130,000. Others claim that the real figure is actually just close to 50,000. Nonetheless, union organizing remains vibrant, implying some level of union growth, particularly in building and construction, transport, and hotel and tourism (Nuon and Serrano, 2010:71; Almazan, 2008). Organizing of among civil servants into associations has become visible too in recent years.

The study by Makin and Sakda (2006: 25) involving 1,061 respondents (981 workers and 80 HR administration managers) in the garment industry puts overall union membership at 43% as reported by workers surveyed. This corresponds with the figure of 40% found in the first Asian Development Bank socio-economic survey (Cambodian Researchers for Development, 2004),

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<sup>10</sup> Beer promotion workers, mostly women, market and sell different beer labels in public bars, beer gardens and restaurants.

and with the US State Department estimate of 40-50% in 2005, up from 25-30% in 2001. According to the study, union membership varied significantly with factory size, being lower in medium sized factories, and higher in very large factories (35.7% in factories with 1000-2999 workers; 60.2% in factories with 5000 workers and over). Moreover, manager-respondents claimed there were unions active in 37 of the 40 factories included in the workers survey (73 of the total sample of 80 factories for the managers' survey). In 85% of these factories managers reported only one or two unions. Table 5 presents union federation membership and activity in target factories of the study by Makin and Sakda (2006).

**Table 5: Union Federation Membership and Activity**

Federation	# members (self-report, USDOL) <sup>12</sup>	Approx. % of all union members (USDOL)	Present in x% of all factories (USDOL)	Present in x% of factories in managers' survey <sup>13</sup>	% of all union members (workers' survey) <sup>14</sup>
FTUWKC	23,000	15%	41%	40%	22.1%
KYFTU	16,000	11%	16%	26%	11.5%
CLUF	7,000	5%	7%	9%	10.5%
CCAWDU	7,000	5%	7%	6%	9.7%
CFITU	24,807	17%	25%	20%	6.9%
CUF	50,130	34%	64%	9%	2.3%
NIFTUC	17,000	11%	12%	4%	N/A
CWLFU	4,000	3%	4%	8%	N/A
FUS	N/A	N/A	N/A	8%	N/A
TUWFPD	N/A	N/A	N/A	6%	N/A
UFID	N/A	N/A	N/A	5%	N/A
CCTU	N/A	N/A	N/A	3%	N/A
LFULK	N/A	N/A	N/A	1%	N/A
DTUF	N/A	N/A	N/A	1%	N/A
NUCW	N/A	N/A	N/A	1%	N/A
TUFDLW	N/A	N/A	N/A	1%	N/A

Source: Makin and Sakda (2006: 26)

The baseline study by Nuon and Serrano (2009) on Cambodian labour law violations which included a survey covering 563 garments workers in 34 factories in Cambodia noted a high unionisation rate, as the majority (70%) of respondents claimed that union members comprised from 75% to 100% of all rank-and-file workers in their enterprises. The same study found that multiplicity of unions characterized enterprises in the garment industry. On average, there are about four (3.96) unions per enterprise, with slightly over half of the respondents (51.8%) claiming four or more unions.

In a more recent study covering 316 respondents from the unionised (garments, hotel and restaurant, rubber plantation, tobacco manufacturing, and airport services) and (nearly) non-unionised sectors (construction, public service, banking, telecommunications, transport tuk-tuk or motor taxi), although the majority (76.5%) of respondents indicated the presence of a single

union in their workplace, a significant proportion (23.5%) claimed having two or more unions in their enterprise (Nuon and Serrano, 2010: 68).

### *Women in unions*

That women comprise 90% of all workers in the garment industry clearly indicates that women overwhelmingly predominate in union membership. In the baseline study by Nuon and Serrano (2009), 75% of the total 563 respondents were female and 25% were male. In a more recent study by the same authors involving garment and other enterprises (hotel and restaurant, rubber plantation, tobacco manufacturing, and airport services), women workers still outnumbered men: about 55% of all union members in the enterprises covered were women (Nuon and Serrano, 2010: 88). However, the study indicated that men unionists still dominate union leadership. In fact, limited participation by women in union activities and leadership is the top internal problem of unions cited by respondents of the survey.

Survey results reveal that although a majority (73.5%) of unionized respondents claimed women are involved in organizing campaigns, on average, only one in three (33%) union officers were women. This trend nearly holds true when looking at the composition of the bargaining team: women comprised only 30.5%. In enterprises with collective bargaining agreements (CBAs), gender-related provisions seldom find their way. In the survey, the few who indicated gender-related policies and programs found in their CBAs mentioned the following: maternity leave beyond what the law provides, protection against sexual harassment, equality of opportunities for training and education, and pay equality. Other findings of the study are the following (ibid: 88-90):

- About 45% of unionized respondents claimed they had a union policy allocating a certain percentage of union leadership positions to women members. Half did not know whether such policy ever existed.
- About 66% of unionized respondents did not know if their union had a policy allocating a certain number of seats in the bargaining team to women members. In fact, only 22% noted they had such policy.
- Men and women unionized respondents held contrasting views on the existence of a union policy allocating a given proportion of union leadership to women members. While majority of male respondents (61.2%) acknowledged existence of such policy, a majority of women (about 72%) did not even know if such policy existed.

As regards the existence of gender-related structures and programs of unions, the most commonly cited by the respondents are: gender sensitivity training; reproductive health program; and Women's Committee.

In the light of the above, Nuon and Serrano (2010: 88) propose the adoption of an affirmative union policy of allocating a higher proportion of leadership position to women to encourage more participation of women. In practice, factory unions allocate between 50 and 70 % of union committee composition to women. The union committee is comprised of the union president, vice president, treasurer, secretary and one assistant. Often, the president and vice president are elected while the rest are appointed. For the appointed positions, the 50-70% allocation is applied)

Nuon and Serrano (ibid) also identify several union activities that can be assigned to women and which can elicit more participation from women as well as facilitate the development of potential women leaders.

- Home visits to target or potential members especially within the women members' neighbourhoods
- Holding small group meetings during organising campaign within the neighbourhoods
- Launching media campaigns
- Having a rank-and-file committee involved in organising (using a 'like-recruits-like' approach where organizers share common characteristics, e.g. gender, age group, type of job, with the workers being organized), especially in enterprises where most workers are women
- Enlisting the help of rank-and-file volunteers from already organised units during organising ('organising local' concept)
- Holding solidarity days, rallies, and job actions.

Indeed, despite the overwhelming presence of women in the garment industry, the integration of women and gender-related issues in collective bargaining remains a big challenge to unions in Cambodia. As Nuon and Serrano emphasize, the fact that women's involvement in union leadership and bargaining teams still pales in comparison with men makes this challenge even more overwhelming (2010: 89-90). And the very lack of adequate women-related structures and processes in unions inhibits the embedding or integration of women in leadership as well as including gender issues on the bargaining agenda.

## II. SURVEY FINDINGS

### A. Scope and Methodology

A questionnaire containing both structured and open-ended questions was designed for the mini-survey component of the study. The survey involved 34 interviewees/respondents (union leaders and members) from four unionized garment factories. Two of these factory unions are affiliated with Coalition of Cambodian Apparel Worker Democratic Unions (C.CAWDU) and the other two with Cambodian Labour Union Federation (CLUF). Twenty-four of the interviewees come from the four factory unions and 10 from the two federations. A brief profile of the four factories covered is provided as an Appendix.

C.CAWDU was established in 2000. It claims to represent 34,666 workers in 45 local unions in garment factories. It is a vocal advocate of workers' rights, and relies for funds from union dues and Oxfam (Belgium). C.CAWDU is among the most active labour federations in Cambodia. Established in 1998, CLUF, on the other hand, claims 79,152 members in 127 local unions covering such sectors as the garment industry, rubber plantations, and petrol companies. This federation directly descended from the Free Unions Federation (FUF), whose president used to invest in garments factories and advised the prime minister.

Apart from the mini-survey, interviews with three key informants were also undertaken. These key informants come from the Community Legal Education Center (CLEC), Cambodian National Labour Confederation (CNC), and Cambodian Women Movement Organization (CWMO).<sup>11</sup>

Owing to the very small and limited sample, the findings are not representative and conclusive of women and gender representation issues in trade unions in the garment sector. Thus the findings presented here need to be considered with great caution. The size of the sample did not allow for further statistical analysis (i.e. cross-tabulations) to determine associations between variables. Thus deeper analysis cannot be made. Nonetheless, where available, the researchers drew from existing literature to provide initial explanations and/or analysis of findings.

The study serves as an initial step for further and more detailed studies on gender perspectives in union structures and processes.

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<sup>11</sup> Chorn Sokha, Labour Officer of CLEC; Morm Nhim, President of CNC; and Meas Morokot, President of CWMO.

## B. Survey Findings

### *Profile of respondents*

Of the 34 respondents, about 59% are women and 41% men. At the factory level women comprise 61% of respondents while at the federation level they account 55%. About 34% of respondents are 30 years old and below; 35.3% are 31-35 years old; 20.6% are 36-40 years old; and 8.8% are over 40 years old. These findings point to a relatively young workforce in the garment factories surveyed. Union leaders comprise the big majority (82%) of respondents; about 18% are union members. In terms of union type about 68% of respondents come from local unions, and 32% from federations.

### *Women in the workforce*

As expected, survey findings reveal women comprise an overwhelming majority if not nearly all of the workers (Table 6). The same trend holds true about the proportion of women among regular workers at the factory level. However, at the federation level the proportion of women among regular workers appears to be lesser although still the majority. This may be explained by the industry or sectoral spread of union coverage of one of the federations (i.e. CLUF) where in some of the industries (rubber plantations and petrol companies) women may count less among the regular workers.

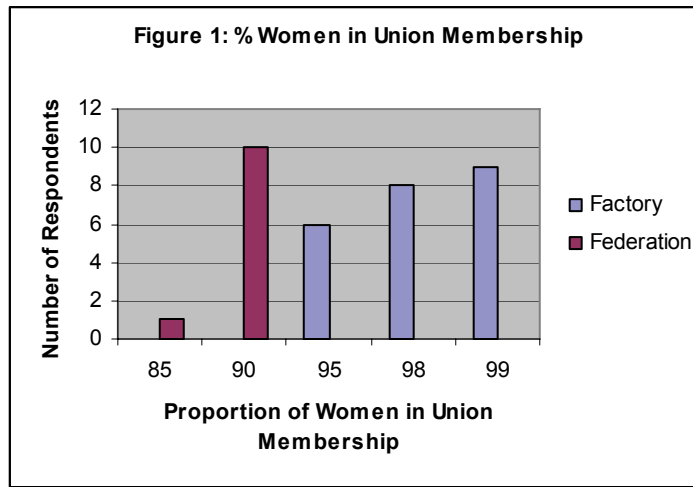
**Table 6: Women in the Workforce**

% of Women Workers	% Respondents Factory Union		% Respondents Federation	
	Women in Workforce	Women Among Regular	Women in Workforce	Women Among Regular
50				9
70				18
80	13			27
90	13	22	91	
95	17	26		46
97	13			
98	44	52		
99			9	

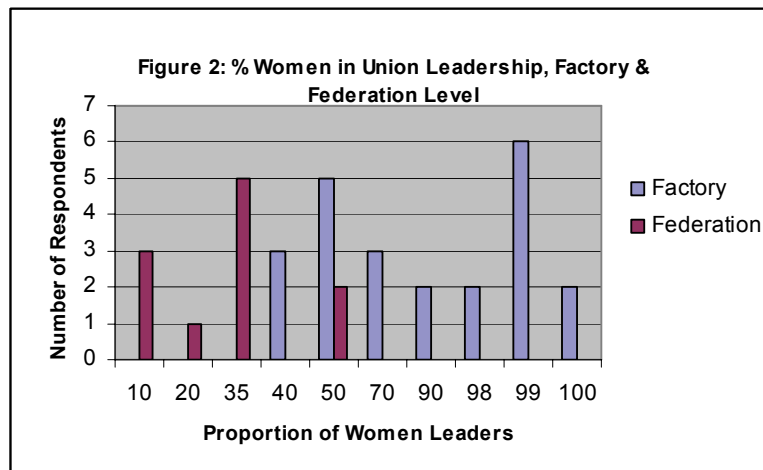
### *Women in union membership, leadership and structure*

Respondents from both factory unions and federations claimed women comprise nearly all union members (Figure 1). It is expected that factory level respondents put a higher count for

women union members because they all come from garment factories where women predominate. Federations, however, cover other sectors.



Owing to the predominance of women in the garment sector, the proportion of women in union leadership at the factory level is also overwhelming as Figure 2 indicates (note the blue columns clustering around the higher scale). However, the picture is less encouraging at the federation level where majority of respondents indicated women comprise less than half of union leadership. This last finding corroborates a related finding in a recent study by Nuon and Serrano (2010) indicating women are disproportionately represented in the union leadership.



### 1. Women in leadership and staff positions

At the factory level union leadership positions are overwhelmingly held by women. This finding strongly holds for the following positions: vice president, secretary, assistant secretary, education officer and women’s officer. This is likewise true for organizers. Owing to the limited

number of respondents for the president and treasurer positions, this finding is less conclusive for the said positions (Table 7).

At the federation level, the proportion of women in leadership positions starkly pales in comparison with women leadership at the factory level. As one can clearly see in Table 7, except for women’s officer, women comprise half or less of union leadership positions (note the proportion of respondents clustering around the lower half scale).

As regard organizers, the picture is quite evenly distributed with almost the same proportion of respondents indicating that women make up less than half or more than half of all organizers.

It is interesting to note that nearly all of respondents acknowledged that women are involved in organizing campaigns through the following ways: orienting workers of the advantages of a being union member; assisting workers in settling disputes; and meeting workers during lunch breaks, dinner and holidays to ask workers’ grievances against employer.

**Table 7: Women in Union Leadership and Staff Positions (%)**

% Women	President		Vice President		Secretary		Assistant Secretary		Treasurer		Education Officer		Women’s Officer		Organizer		Admin. Staff		
	L	F	L	F	L	F	L	F	L	F	L	F	L	F	L	F	L	F	
5		18		18		18		20		18									
10		18		9		27						22	4						
15				18															
20		18		9						18									
25								10											
30		46		46		9	4			55		11							
35																			
40							4			9		22							
45						46		50								46			
50					18				27			44		30		9			50
55																			
60																			
65																			
70							4				26			10		18			
75																			
80								20			22				26				50
85																			
90								28			4					27			
95																			
100	100		100		82		65		73		48		96	60	74				
N	10	11	16	11	17	11	23	10	11	11	23	9	23	10	23	11			4
%	43	100	70	100	74	100	100	91	48	100	100	82	100	91	100	100			17



## 2. Union structures, policies and programs for women

There are a variety of structures, policies and programs that unions at the factory and federation levels have utilized in enhancing women's participation in union activities as well as their representation in union leadership. These are indicated in Table 8.

**Table 8: Union Structures and Policies for Women**

Structures and Policies	% Respondents	
	Factory	Federation
Targets for women representation at congress/conferences	100	73
Targets for women representation at workplace bargaining team	100	73
Targets for women representation in union committees	100	64
Specific positions for women in union committees	48	82
Specific positions for women in congress/conferences	30	45
Women's Committee/Commission	39	82
Women's Desk	26	36
Women's Conference	22	45

Overall, targets for women representation in different union structures, i.e. congresses/conferences, bargaining teams and union committees are the most prevalent strategy at both the factory and federation levels to ensure increased women representation in union leadership. As pointed out earlier, unions allocate between 50% and 70% of appointed positions to women. The allocation does not however represent the actual ratio of workers by sex) Nonetheless, it could be noted in Table 8 that the extent of existence of structures and policies that aim to increase women representation in unions varies between the factory and federation level. It could be observed that there are lesser proportions of factory respondents, vis-à-vis federation respondents, indicating existence of the last five structures and policies, i.e. specific positions for women in union committees, specific positions for women in congress/conference, women's committee/commission, women's desk, and women's conference. To the extent that women workers overwhelmingly predominates union membership and leadership in the factory unions surveyed, one would expect that policies and structures that aim to increase women representation won't have much bearing or appreciation. However, having a predominantly women workforce and union membership does not automatically make most women more active or seek leadership position in the union. More importantly, one cannot assume that all women including those who are union leaders are gender-sensitive. In this case, union structures such as a Women's Committee can play a very important role in eliciting deeper involvement of more women in union activities and leadership and in developing gender-sensitivity.

The lesser proportions of federation respondents (vis-à-vis factory union respondents) indicating the existence of the first three union policies (i.e. targets for women representation at congress/conferences, targets for women representation at workplace bargaining team, and targets for women representation in union committees) imply that not all of the unions affiliated with the federations have these policies. This finding then may explain why women representation in leadership at the federation level pales in comparison to that at the factory level, at least among the unions surveyed. Here we could argue that the barriers for women's representation at the federation level are structural in nature. For example, if women's presence in union congresses is limited, there are fewer chances for them to become elected in the federation leadership. This challenge becomes more pressing in societies like Cambodia where women's social position has been undermined historically by armed conflict, poverty and increasingly discriminatory customs<sup>12</sup>. Corollary, considering that federations are secondary organizations comprising of local unions across sectors or industries where women workers may not figure prominently in union membership, activity and leadership, there is a need for more policies and structures targeting increased women participation and representation (thus explaining the higher proportion of federation level respondents indicating the existence of specific structures and policies as listed in Table 8).

Table 9 shows that gender sensitivity training, reproductive health program and union policy allocating proportions for women's participation in union education and training are very much in existence in both the factory unions and federations covered by the study. The same allocation, between 50 to 70%, applies to participation of women in training and education. This is to ensure women's participation as federation officers who are mostly male may select many male participants for training.

However, due to the very small number of respondents which limits the researchers to do cross-tabulations to establish associations between variables, it is difficult to account for differences in response between the factory union and federation respondents. Nonetheless we can speculate that the higher proportion among federation respondents rating effective reproductive health program, union policy allocating proportions for women's participation in

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<sup>12</sup> “The massacres during the Khmer Rouge regime (1975-1979) left many women widowed: an estimated 25 per cent of Cambodian households are headed by sole women and, as a result, are particularly vulnerable to poverty. Female employment is relatively high, but concentrated in the agricultural and/or informal sectors. Women generally have less access than men to resources, such as education and health care.” (OECD; <http://genderindex.org/country/cambodia>)

union education and training, women's committee and women's desk may reflect better appreciation of these policies in a setting where the under-representation of women is more pronounced.

**Table 9: Women/Gender-Related Structures, Policies and Programs Existing in Union**

Structures, Policies and Programs	% Respondents Affirming Existence		% Respondents Rating Effective	
	Factory	Federation	Factory	Federation
Gender sensitivity training	91	100	91	91
Reproductive health program	91	100	61	82
Union policy allocating proportions for women's participation in union education and training	91	91	87	91
Women's Committee			48	100
Women's Desk			57	64

*Bargaining issues, policies and processes*

Survey results reveal the existence of various policies and programs related to women and gender issues at the workplace as indicated in Table 10. Topping the list are the following: reproductive health, HIV/AIDS awareness, protection against sexual harassment, equality of opportunities in union membership and leadership, and hygiene awareness, day care services and facilities, equality of opportunity in training and education and breastfeeding facilities. This finding indicates a relatively women-friendly workplace in the factories covered.

**Table 10: Women/Gender-Related Policies and Programs at the Workplace**

Policies and Programs	% Respondents Affirming Existence at Workplace	% Respondents Affirming Product of Bargaining
Reproductive health	97	41
HIV/AIDS awareness	97	41
Protection against sexual harassment	97	21
Equality of opportunities in union membership and leadership	91	
Hygiene awareness	91	24
Day care services and facilities	88	85
Equality of opportunity in training and education	85	18
Breastfeeding	85	100
Special leaves for women e.g. maternal care, gynecological disease check up for half day/month, maternal care, health check up etc.	62	65

Table 10 (Continued): Women/Gender-Related Policies and Programs at the Workplace

<b>Policies and Programs</b>	<b>% Respondents Affirming Existence at Workplace</b>	<b>% Respondents Affirming Product of Bargaining</b>
Maternity leave beyond what is provided by law <sup>13</sup>	50	32
Pay equity (reducing or eliminating gender pay gap)	35	9
Nutrition awareness	15	6
Offering milk instead of child care facilities at the workplace	15	20
Offering \$8 for milk/month	9	6
Menstrual leave	3	3
Equality of opportunities for recruitment and promotion		12

It is noteworthy that respondents claimed many of the above policies and programs existing in their workplace were a product of collective bargaining. Breastfeeding and day care services and facilities topped the list. Special leaves for women were also cited by a majority of respondents. A significant proportion of respondents also identified reproductive health, HIV/AIDS awareness program, maternity leave beyond what is provided by law, hygiene awareness program, protection against sexual harassment, and offering of milk formula instead of childcare facilities at the workplace (Table 10). However, some of these so-called products of bargaining are already provided by law. As cited earlier in this report, Article 172 of the Labour Law prohibits sexual harassment and indecent behaviour. Articles 184 to 186 also stipulate clearly the provision for breastfeeding breaks, nursing room and the provision of day care facilities at the workplace. Also, the Arbitration Council has ruled (AC Award 63/04) that giving milk formula or payment instead of providing a nursing room is not allowed under the law, yet one in five of respondents indicated trading off day care facilities at the workplace with the offer of milk formula.

To the extent that these provisions are already provided by law and yet they are included in CBAs indicates the respondents' lack of awareness of these provisions in the law. It could be that

<sup>13</sup> Employers must give employees who give birth 90 days (3 months) of maternity leave. An employer may not terminate an employee: because she is pregnant; while she is on maternity leave; or immediately before taking 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 pay during the 12 months prior to departing on maternity leave, not on the minimum wage or basic wage. During the first two months after returning from maternity leave employees may only be required to perform light work. (ILO, 2005: 22)

the employers fail to inform women workers and mothers of these rights, as mandated by law, hence violating the law. Also, unions themselves are short of doing their part in informing women workers of these rights or are themselves unaware of these provisions.

It should be noted that the practice of collective bargaining in Cambodia is limited because of the weak capacity of Cambodia's labour unions and the difficulties they have faced in recent years in winning the right to negotiate with management. According to data from MoLVT, there were 206 CBAs registered between 2003 and 2009. In the first quarter of 2010, 24 additional CBAs were registered. Nuon and Serrano (2010: 35) noted that "about half of the CBAs were concluded by shop stewards, and about two-thirds of the remaining concluded by minority unions. In addition, these CBAs deal mostly with a single issue and on an ad hoc basis rather than through an orderly negotiation bargaining process. Therefore it is estimated that there were only about 30 high quality CBAs concluded by MRS unions across all sectors."

In spite of the fact that collective bargaining agreements are very few in Cambodia, it is interesting to note the survey finding that gender and women related bargaining proposals by unions are always accepted by management as claimed by nearly all respondents. This may be well explained by the finding of the survey that many of the products of bargaining are already provided by law. This therefore suggests that unions have limited knowledge of the labour law.

#### *Women in union leadership: strengths and weaknesses*

Women were asked what made them become active in the union. Majority of respondents professed their commitment to work for the protection of co-workers and improve their working conditions. Half of women respondents pointed to the encouragement they received from the union and the support from many members and co-workers. A smaller number indicated other reasons such as: they became active because they gained good working conditions and full workers' rights, they were encouraged by the atmosphere of cooperation with the employer, and because of the training courses they received from the union.

Responses from men interviewed identified women's good communication skills and good relationship with both women and men members as the top strength of women leaders. Other strengths identified are: women are good in problem solving and conflict resolution; women are courageous and hard-working; women are good on managing the union; and women are knowledgeable on union issues and policies (Table 11).

**Table 11: Women in Union Leadership: Strengths and Weaknesses (%)**

<b>Strengths</b>	<b>Men</b>	<b>Women</b>	<b>Weaknesses</b>	<b>Men</b>	<b>Women</b>
Good communication skills and good relationship with both women and men members	50	20	Usually less courageous and more easily intimidated than men and often fear for their personal safety	36	30
Good in problem solving and conflict resolution	21	10	Limited knowledge and low education	21	10
Courageous and hard-working	14	40	Lack of self-confidence	14	
Broader support and cooperation enjoyed by women in factories where most workers are women		30	Limited time for the union due to housework responsibilities	14	15
Good in managing the union	7	15	Jealousy among women	7	10
Knowledgeable on union issues and policies	7		Women talk too much sometime about unimportant things to men	7	
Good in persuading employers		5	Women not wanting leadership positions culturally	7	10
Employers prefer dealing with women union leaders		5	Women usually lose patience	7	10
			Women are ambitious and do not listen to others	7	
			Lack of support from their family to assume leadership position		5
			People do not believe in women's capacity		5

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

The foregoing findings may be related to how men view women union leaders. It is interesting to note that when asked about their views of women in union leadership, most responses from men tend to point out positive views. A substantial number of men respondents said women union leaders are knowledgeable, honest and have enough capacity and leadership skills to lead the union. A smaller number indicated that women union leaders can understand women issues better than men, so that more women should be chosen to take up leadership positions, women are good in dealing with problems; and women are gentle and serious at work.

One male respondent at the federation level expressed how he views women union leaders:

“Women are gentle but strict with work. They understand their female colleagues better than men.”

**Table 12: Men's Views about Women Leaders (%)**

<b>Views</b>	<b>Men</b>	<b>Women</b>
Women leaders are knowledgeable, honest and have enough capacity and leadership skills to lead the union	36	25
Women leaders can understand women issues better than men	29	10
Women are good in dealing with problems	7	25
Women are gentle and serious at work.	7	10
Women are active and join broad support for leadership		10
Women's ability to develop themselves and their confidence to talk with employers without fear of being fired		10
Some women leaders have better leadership skills than men, have more patience and as a result employer prefers working with them		5
Most women do not belong to any political party		5

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

Similarly, the foregoing findings may find support from the findings on women's thoughts about how men view women leaders. The women respondents shared many of the positive views of men as listed above. One in four of women respondents said that men see women leaders as knowledgeable, honest and have enough capacity and leadership skills to lead the union. The same proportion indicated that men see women leaders as good in dealing with problems. Other positive views identified, although not on significant number, are: women's ability to develop themselves and their confidence to talk with employers without fear of being fired; women are active and join broad support for leadership; women union leaders can understand women issues better than men; some women leaders have better leadership skills than men, have more patience and as a result employer prefers working with them; and most women do not belong to any political party.

As for women respondents, women's courage and hard-work topped the list of women leaders' strength, in contrast to only 14% among men respondents who identified this. They also point to broader support and cooperation enjoyed by women in factories where most workers are women. Like their male counterparts they acknowledged that women have good communication skills and relationships with both men and women workers. Other strengths identified include: women are good in managing the union; they are good in problem solving and conflict

resolution; women are good in persuading employers; and employers prefer dealing with women union leaders (Table 11).

Two women respondents, one at the factory and the other at the federation level, had this to say on strengths of having women in union leadership:

“Some women have much general knowledge, recognize the importance of cooperation and can have enough courage and high commitment to union work.”

“Women may be effective in communication with the female members because they know women’s issues better.”

Comparing the responses of men and women respondents on the strengths of women union leaders, we can observe that men’s views tend to reflect what they perceived as intrinsic qualities and skills of women. For women, however, on top of identifying these intrinsic qualities and skills, the enabling environment and context (i.e. broader support and cooperation among women, employers’ preference to deal with women) are seen as sources of strength of women leaders.

As regard the weaknesses or limitations of having women in union leadership, topping the list for both men and women respondents is “women are usually less courageous, more easily intimidated than men and often fear for their personal safety”. Other weaknesses identified by men respondents ranked accordingly are the following: women’s limited knowledge and low education; women’s lack of self-confidence; women’s limited time for the union due to housework responsibilities; women’s jealousy of each other; women not wanting leadership positions culturally; women talking too much sometime about unimportant things to men; women usually lose patience; and women are ambitious and do not listen to others (Table 11).

For women respondents, other weaknesses identified are the following: limited time for the union due to housework responsibilities; women are usually jealousy of each other; women not wanting leadership positions culturally; women usually lose patience; women’s limited knowledge and low education; lack of support from their family to assume leadership position; and people do not believe in women’s capacity (Table 11).

A woman respondent from the factory level had this to share:

“Women can be easily intimidated by other unions or the employer. In addition, most women do not receive support from their family for leadership positions.”

When it comes to identifying the weaknesses of union women leaders it is interesting to note that the responses of both men and women respondents in general tend to reflect more cultural



barriers and stereotypes of women rather than the intrinsic characteristics of women. For example, the thinking that women are less courageous and more easily intimidated may be due to the fact that women are exposed to a hostile environment so that they often fear for their safety as cited in the study by Makin and Sakda (2006). Similarly, women's limited knowledge and low education is an offshoot of unequal access to education confronting Cambodian women in general. This is more pronounced for women in the garment sector who mostly come from the poor families in the rural areas. The lack of self-confidence alluded to women may be linked to the observation that women have limited knowledge and low education. Cultural and traditional norms come into play in shaping men's and women's perception of weaknesses of union women leaders. As Gorman (1999; cited in UNIFEM et al, 2004: 23) emphasizes Cambodia is a hierarchically ordered society where women are considered to be of lower status than men. Traditionally, Cambodian men are seen as the bread-winners of their families while women are expected to provide child care and household management. Moreover, "gender discrimination is deeply embedded in, and reinforced by, social attitudes" in Cambodia (ibid). For example, the *Chba'p*, the moral code that describes the proper behavior of women form part of the primary school curriculum that states in part: "The woman is to be silent and walk so softly that one cannot hear the sound of her silk skirt rustling. She is shy and naïve and must be protected" (Ledgerwood, 1996; cited in UNIFEM et al, 2004: 23).

Thus although performing housework responsibilities is a culturally-conditioned and stereo-typed role of a woman, this, at the same time, is perceived as her weakness insofar as she is thought not to be able to do union work more so union leadership work and housework at the same time. This stereotyping of women 'condemned' to the household is the reason why some of the men and women respondents noted that women themselves do not want leadership positions, a perception which may have been reinforced by the lack of support from women's family to assume leadership position in the union as declared by a few women respondents.

Here we can argue that union initiatives to break barriers to women's representation in union leadership need to be complemented by structural and cultural changes beyond the workplace that address culturally-determined barriers and stereotyping.

*Women in union bargaining: strengths and weaknesses*

On women’s participation in the bargaining team, topping the list of strengths for both men and women is women’s better communication skills than men, patience and good analytical skills that result in less tension and more fruitful bargaining. Women’s knowledge on collective bargaining and of the needs of women members has also been identified as a source of strength for having women in the bargaining team from both men and women respondents. Men also identified women’s honesty and hard work in the bargaining team. As for women, other strengths derived from women’s presence in the bargaining team are: women’s honesty and hard work in the bargaining team; and employers’ preference to deal with women in bargaining negotiations. These findings reflect the perceptions expressed by both women and men respondents on men’s views on women in the bargaining team. Women’s better communication skills than men, patience and good analytical skills that result in less tension and more fruitful bargaining topped the list for both men and women (Table 13).

**Table 13: Women in the Bargaining Team: Strengths and Weaknesses (%)**

<b>Strengths (Bargaining)</b>	<b>Men</b>	<b>Women</b>	<b>Weaknesses</b>	<b>Men</b>	<b>Women</b>
Better communication skills than men, patience and good analytical skills that result to less tension and more fruitful bargaining	57	80	None	43	55
Knowledge on collective bargaining and of the needs of women members have also been identified as source of strength for having women in the bargaining team	29	15	Fear for their safety	14	10
Honesty and hard work	21	10	Tendency to be easily persuaded	14	
Employers’ preference to deal with women in bargaining negotiations		10	Ill-temper	14	
			Tend not to listen to team members sometimes	7	
			Lack of commitment		
			Often rely on men’s decisions	7	
			Tendency to talk too much	7	10
			Lack of good reasoning		10
			Limited knowledge of law		5

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

A significant number of men and the majority of women respondents said they do not see any weakness of women participating in the bargaining team. Only few respondents pointed to several weaknesses or limitation of having women in the bargaining team. For men respondents there are: women's fear for their safety; women's tendency to be easily persuaded; women tend not to listen to team members sometimes; women's reliance on men's decisions often; women's lack of commitment; and women's tendency to talk too much (Table 13).

For women respondents, the weaknesses are the following: women's ill-temper; women's fear for their safety; women's tendency to talk too much; women's lack of good reasoning; and women's limited knowledge of law (Table 13).

The same line of analysis made earlier as regard strengths and weaknesses of women in union leadership can be used in understanding the responses of men and women respondents on strengths and weaknesses of women in the bargaining team. It is interesting to note the substantial (or higher) proportion of respondents identifying strengths and weaknesses of women in bargaining team compared to the responses elicited on the same question about women in union leadership. It could be that in bargaining the process itself is very much observable and the output is more concrete and measurable in terms of having a collective bargaining agreement. This may be reflected in the significant number of respondents indicating no weaknesses of women in the bargaining team. Moreover, the oft-alluded qualities and skills of women (i.e. patience, honesty, hardworking, good communication skills, analytical and problem solving skills and others) are very useful in a negotiation process.

#### *Equity issues in the union*

Apart from having structures and policies that aim to promote women's participation in union activities and leadership, survey results also reveal unions provide learning opportunities to develop women's capacities in the form of training seminars and conferences. Majority of respondents claimed their union organizes and conducts leadership training for women. Also, women members are sent by the union to attend leadership training and women's conferences, women's courses and seminar provided by other institutions. It is to be noted, however, that there were more federation respondents than factory union respondents that cited these learning opportunities. It could be that the federations offer more of these opportunities as they have more resources, they are better networked and they have more capacity. It could also be that it is the federation itself that provides training outside the local union. Likewise, to the extent that under-

representation of women in union leadership is not a problem among the factory unions covered, there is lesser need for these opportunities. Conversely, since women's under-representation in leadership is more pronounced at the federation level more opportunities of this kind are made available.

These findings indeed corroborate what has been the practice among trade unions in Cambodia. Training and education activities are normally organized by federations or labour support organizations using resource person from either federations or other organizations. Local unions are also involved in participant selection. There are some training activities which are conducted at the local union too.

Despite these opportunities provided by the union, many of the respondents found the time arrangements for these activities conflicting with women's caring responsibilities. This is more pronounced among respondents from factory unions.

It is thus expected that only a small proportion of factory union respondents found effective the time arrangements for development opportunities for women (Table 14).

**Table 14: Equity Issues in the Union**

Development Opportunities for Women	% Respondents Citing Opportunities		% Respondents Rating Effective	
	Factory	Federation	Factory	Federation
Leadership training provided by union	91	100	87	100
Leadership training provided by other institutions	83	100	91	100
Conferences outside union	57	82	61	64
Courses and seminars provided by other organizations	87	100	91	100
Appropriateness of time arrangements for development opportunities for women	39	55	35	64

Note: Figures do not add up to 100% because the question required multiple answers from a list of options.

Nonetheless, majority of respondents found the following development opportunities effective for women: organizing and conducting leadership training for women; enrolling women members in external women’s conferences; enrolling women members in external women’s courses or seminars; and enrolling women members in external women leadership training (Table 14). A lesser proportion of factory union respondents than federation respondents found effective the above-cited activities. This is obvious as women representation is not much an issue at the factory unions covered than at the federation level. Moreover, since most of these developmental activities are provided by federations and other labor support organizations often outside of workplace, women at the factory union level find it difficult to access the same. As one key informant noted, in some cases, women union members even had to spend their own money to attend training and similar activities.

It can also be observed that development activities provided by other organizations merit higher proportion of respondents in terms of effectiveness. This may imply that other organizations have more capacity to provide in terms of quality and quantity these development interventions.

*Barriers to women’s participation in union and representation in union leadership*

Union multiplicity, a characteristic of the Cambodian trade union movement as cited in several studies, appears to be the single most important barrier to women’s joining the union and their limited participation in union activities. Majority of women respondents pointed out that competition among unions for membership makes it difficult for women to decide which union to join. Other barriers indicated by women include: employer discrimination of union

membership; lack of understanding by some members about unionism; lack of adequate support from men who do not believe in women’s abilities; and women’s fear for their safety (Table 15).

A women respondent at the factory level pointed out how union multiplicity is a barrier:

“There is a lot of competition for new members by seven unions. Women may have difficulties deciding which union to join.”

Among men respondents, about one in five also identified competing unions as the top barrier for women to join the union. They claimed that there is conflicting information from union to union. Other barriers they identified are: additional wage deduction for union dues; pressure from family, especially the husband; lack of adequate support from men who do not believe in women’s abilities; and employer discrimination of union membership (Table 15).

**Table 15: Barriers to Women’s Participation in Unions & Representation in Union Leadership (%)**

<b>Barriers to Union Participation</b>	<b>Men</b>	<b>Women</b>	<b>Barriers to Representation in Leadership</b>	<b>Men</b>	<b>Women</b>
Union multiplicity or competing unions	21	55	Pregnancy as an obstacle to women’s continuing union work	21	
Employer discrimination of union members	7	10	Pressure women face from family, especially the husband and housework	14	5
Lack of understanding by some women members about unionism		10	Slow in doing their task and they talk too much and often their talk is irrelevant to the agenda	14	
Lack of adequate support from men who do not believe in women’s abilities	7	10	Women’s difficulty to assert authority and discipline staff		10
Women’s fear for their safety		5	Men do not want women to be their leaders as they do not believe in women’s abilities	7	5
Additional wage deduction for union dues	7		Most women do not believe in their own abilities and usually think men are better	7	5
			Women’s limited knowledge of law		5
			Women’s lack of time for union work due to their work at the factory	7	

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

While given the limited sample we cannot explain why there were more women than men who saw union multiplicity as a barrier to women’s union participation, we could speculate that this may have something to do with union multiplicity being more complicated, confrontational

and competitive to women. The often-cited critique of union multiplicity is that unions tend to spend more time and resources out-doing each other neglecting the developmental aspect of union building (i.e. training, education).

It could be observed that there are barriers commonly identified by men and women respondents: union multiplicity; employer discrimination of union members; and lack of adequate support from men who do not believe in women's abilities. All the identified barriers seem to point to the problems generated from the general environment within which unionism in Cambodia operates. In short, except for "women's fear for their safety" and "lack of adequate support from men who do not believe in women's abilities", all these barriers correspond to the challenges facing Cambodian trade union movement in general. More importantly, these barriers are extrinsic to women implying that being a woman is not a barrier to union participation. In this regard, breaking these barriers to women's union participation would require interventions at various levels and dimensions. Whereas some of these barriers could be addressed at the level of the trade unions (i.e. lack of understanding about unionism, lack of support from men union members, low wages so that even union dues are a burden), others require measures and interventions through legislation, law enforcement, and public education among others. Unions can also push for these interventions.

Few respondents identified barriers to women's representation in union leadership. This may be because of the fact that women are very much represented in union leadership particularly in the factory unions covered. Among the few women respondents, the following barriers were identified: women's difficulty to assert authority and discipline staff; men do not want women to be their leaders as they do not believe in women's abilities; most women do not believe in their own abilities and usually think men are better; pressure from family, especially from the husband and housework; and women's limited knowledge of law (Table 15).

As for men respondents, the barriers identified were: pregnancy as an obstacle to women's continuing union work; the pressure women face from family, especially the husband and housework; women being slow in doing their task and being talkative; men not wanting women to be their leaders as they do not believe in women's abilities; women themselves not believing in their own abilities and usually think men are better; and women's lack of time for union work due to their work at the factory (Table 15).

While barriers to women's participation in unions mainly pertain to the general environment within which the union operates, the identified barriers to women's representation in union leadership tend to reflect culturally-conditioned notions and stereotypes about women. Women's twin role of reproduction and caring, the usual stereotype of women being slow and talkative, and the notion that women in general are inferior to men seem to predicate the identified barriers to women's representation in union leadership, particularly among men. Here, gender biases are highlighted. We could surmise that when it comes to leadership issues, the barriers tend to allude to the person of a woman. This partly explains why only men respondents identified pregnancy as an obstacle to women's continuing work in the union. This said, we can argue that in addressing barriers to women's representation in leadership, cultural norms and stereotypes need to be challenged.

According to UNIFEM (2004: 23), traditional views on the household division of labour are changing, as women are increasingly engaging in a broader range of tasks normally associated with men such as earning a living and providing for their families. Perhaps most importantly, women's participation in the labour market is influencing the speed of these changes. Analyzing the answers of respondents in the survey, one could observe many men respondents still holding traditional views on certain issues (e.g. pregnancy being a barrier for women in leadership noted only by men respondents) while responses from many women respondents tend to reflect an emancipatory tone.

#### *Harassment in the union and men's views*

Sexual harassment is a major obstacle to women's participation in the union and in union leadership. While there have been many studies on the issue at the workplace, there is a general lack of study of sexual harassment issues within the union.

In the study, respondents were asked how men unionists view harassment issues internal to the union brought up by women. It is interesting to note that a significant number of both men (36%) and women (25%) respondents claimed that no harassment issues have been brought up so far. However there were few respondents, one man and two women, who pointed to some harassment issues such as the use of provocative gestures (men staring at women) and the use of derogatory words by men. Nonetheless, these findings do not imply that harassment issues in the union are marginal. As a previous research referred above has shown, there is widespread



confusion about the very term of harassment itself. It could also be that many men and women workers, including union members and officers, have limited understanding of harassment issues. The stigma attached to reporting a harassment case also prevents women from talking about it, more so reporting it.

### **C. Results from Interviews with Key Informants**

The findings from the survey were substantially confirmed by the key informants interviewed. However, they added several important points to some of the issues covered in the survey. On barriers or constraints to better participation and representation of women in the union, they mentioned the short-term nature of employment contracts, the 'free-riding' attitude among workers (i.e. both union and non-union workers receive the same benefits), and the cost associated with union membership (i.e. union dues and personal money spent to take part in union activities).

On ways to address representation barriers, the key informants cited the following: cutting the association of union leadership with political parties, allocating a small amount for union leaders' compensation for their time and commitment, and negotiating with employers for long-term employment contract. An explicit and specific statement in the union statute highlighting the important role of women in union leadership was also recommended to mandate the creation and strengthening of more gender and women-related policies and programs in the union.

## **III. PROMOTING GENDER EQUALITY IN TRADE UNIONS: MECHANISMS AND STRUCTURES**

### **A. Mechanisms and Structures for Promoting Gender Equality**

Overall, both men and women respondents provided similar recommendations in having more gender-related policies and programs. Findings reveal that majority of men and women put forward the need for education and training courses specifically targeted at women: on leadership, labour law, strategic planning and reproductive health. Over one in three women respondents recommended the establishment of Women's Commission or Committee. A substantial number of women respondents pointed to the need to allocate more leadership positions to women. Other recommendations given by women respondents include:

encouragement and support for women from male colleagues; promoting women’s participation in union activities and programs; allocating a quota for women in bargaining team (Table 16).

**Table 16: Recommendations for Promoting Gender Equality in Unions and for Addressing Barriers to Women’s Participation in the Union (%)**

<b>Promoting Gender Equality</b>	<b>Men</b>	<b>Women</b>	<b>Addressing Barriers</b>	<b>Men</b>	<b>Women</b>
Need for education and training courses on leadership, labour law, strategic planning and reproductive health	57	70	Need for more organizing and union activities where the purpose and importance of unions should be clearly explained and where women are given opportunities to solve problems		35
Establishment of Women’s Commission or Committee	7	35	Need for training courses on leadership, union administration, trainers training and others	21	20
Need to allocate more leadership positions to women	21	30	Information about women’s role in the union		15
Encouragement and support for women from male colleagues	15	15	Dissemination of union policy on equality between women and men	7	5
Promoting women’s participation in union activities and programs	21	15	Informing family members of women about the importance of union work	29	5
Allocating a quota for women in bargaining team (for example a union policy setting 50% of bargaining team for women)	7	10	Studying women’s specific needs and how union can best address these needs	7	5
			Assistance and encouragement from colleagues	15	

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

Likewise, men respondents echoed the same recommendations in promoting gender equality in the union. About one in five pointed to the need to allocate more leadership positions to women. Another one in five proposed the promotion of women’s participation in union activities and programs. Other recommendations include the following: encouragement and support for women from male colleagues; the establishment of Women’s Commission or Committee; and allocation of a quota for women in bargaining team (Table 16).

Survey results identifying how barriers and constraints could be addressed provide some insights on mechanisms and structures for promoting gender equality within the union. Topping the list for women as cited by over one in three of women respondents is the need for more

organizing and union activities where the purpose and importance of unions should be clearly explained and where women are given opportunities to solve problems. One in five of women respondents saw the need for training courses on leadership, union administration, trainers training and others. Other mechanisms put forward are: information about women's role in the union; dissemination of union policy on equality between women and men; informing family members of women about the importance of union work; and studying women's specific needs and how union can best address these needs (Table 16).

Among men respondents, the top mechanism proposed to address the barriers to women's participation in the union is by way of informing family members of women about the importance of union work, whereas among women respondents this barrier was among the least cited. Other mechanisms include: training courses on leadership, union administration, trainers training and others; assistance and encouragement from colleagues; dissemination of union policy on equality between women and men; and studying women's specific needs and how union can best address these needs (Table 16).

#### *Examples of successful mechanisms and strategies of encouraging women to take up union leadership*

Most of the mechanisms and strategies on how to address barriers to women's participation in union leadership tend to have resulted in successful outcomes as further survey findings reveal. Respondents were asked to cite examples of successful case or instances which prompted women to take up leadership positions. Majority of women respondents pointed to the effectiveness of training courses which enabled women to involve themselves in union work and activities. More than one in three cited the opportunities provided by the union activities where women participate and learn union work and processes and are encouraged to take up leadership positions. Other strategies that proved successful are: allocation of more leadership positions to women than to men; highlighting women's important role in the union; encouraging more women activists at lower levels in the workplace, i.e. teams and sections (Table 17).

**Table 17: Examples of Successful Mechanisms and Strategies for Encouraging Women to Take Up Union Leadership (%)**

<b>Mechanisms and Strategies</b>	<b>Men</b>	<b>Women</b>
Effectiveness of training courses which enabled women to involve themselves in union work and activities	29	65
Opportunities provided by the union activities where women participate and learn union work and processes and are encouraged to take up leadership positions	29	35
Allocation of more leadership positions to women than to men	7	10
Highlighting women's important role in the union	7	
Encouraging more women activists at lower levels in the workplace, i.e. teams and sections		10
Appointing women to leadership positions	7	
<b>Ways of Encouraging Women's Participation in Decision-Making Processes</b>		
Women are encouraged or invited to participate in every meeting of the union where decisions have to be made	50	90
Women involvement on discussions on bargaining	14	20
Women's participation in the decision-making board	14	5
Union policy of gathering requests from women about their problems and grievances	14	
Establishment of Women's Commission/Committee through which women can participate in the decision-making process	7	

Note: Responses based on open-ended questions. Percentages were calculated by dividing the frequency of similar responses with the total number of respondents by sex.

Men respondents shared, albeit in varying proportions, most of the mechanisms and strategies identified by women. While a majority of women respondents pointed to the effectiveness of training courses which enabled women to involve themselves in union work and activities, fewer men respondents pointed to the same. Again, there were fewer men compared to women respondents who cited their unions' practice of actively encouraging and promoting women to take up leadership positions by providing more union activities where women can participate and learn union work and processes. Other mechanisms and strategies include: allocation of more leadership positions to women than to men; highlighting women's important role in the union; and appointing women to leadership positions (Table 17).

A remark from one male respondent at the federation level echoes an apparent paternalistic approach used by his federation in encouraging women to take up leadership roles:

“Women have been appointed to leadership positions in the union. In addition, they have been told that they are protected by the law of the country and told that they have freedom of speech.”

How do unions encourage women to participate in decision-making processes in the union? Most women respondents declared that women are encouraged or invited to participate in every meeting of the union where decisions have to be made. The practice of inviting women to union

meetings is also echoed by half of men respondents. However, inviting women to union meetings is not a regular practice. Women get invited in meetings only on important subjects which leaders think require their participation. Often, this is up to the leader who normally has got the decision already. The meeting is more on informing them rather than seeking their views).

Other mechanisms practiced by the union according to women respondents are: women involvement on discussions on bargaining and women's participation in the decision-making board (Table 17) Again, getting members to vote on anything is not normally the practice. For example, to be able to go on strike, members by law should be consulted through a vote, but almost none of the unions in Cambodia do so. It is also normal that the president decides everything at most in consultation with the union committee).

As for men respondents, other mechanisms employed by the union to involve women in decision-making are: women involvement on discussions on bargaining; women's participation in the decision-making board; union policy of gathering requests from women about their problems and grievances; and establishment of Women's Commission/Committee through which women can participate in the decision-making process (Table 17).

Box 1 presents a sketch of a woman trade union leader in Cambodia.



### Box 1: Morm Nhim: A Sketch of a Woman Union Leader

Like many other poor and young Cambodian women, Morm Nhim, a mother of two children, came to work in Phnom Penh in 1996 from a remote village from the provincial coastal town of Kampot.

Morm's first job was at an informal garment producing shop. She had to stay at a small rented room and be away from her family. She could barely afford her daily basic needs on food and clothing. Later, she found a job as a sewer at a factory called Belt Jeans. The first three months of her work in Belt Jeans were difficult. She had to work for long hours for a meager pay just enough to survive. She had to endure abusive language from management. She witnessed in some extreme cases physical attacks on workers who made small mistakes.

These experiences made her aware of injustices at the workplace and the need for change. She started helping her friends in the factory on numerous occasions often involving disputes and maltreatment of workers. This made her known among workers in the factory. In 1998, a local NGO on labour rights called Cambodian Labour Organisation (CLO) approached her about the possibility of organizing a union in the factory, having no idea what a union was at that time. The encounter with CLO encouraged her and her fellow women workers to organize a union at their workplace. They received training on organizing, union operations and some knowledge on labour laws and related regulations from CLO. Soon enough, an election was conducted and she became the president of the newly born union. The management of the factory was not happy about having a union in the factory and was not cooperative from the beginning. As union representative, she had to struggle to get better wage and working conditions for the workers in her factory.

With the help of the CLO, a number of other unions were established in other factories. In July 1999, a federation affiliating unions of this type was established. Having earned a good reputation among workers for her union work and dedication, she was elected as the president of the federation. Being one of the very few female union leaders in the country, she is faced with a huge load of work and challenges: from visiting factories to fighting for fairness and better pay and working conditions in affiliated factory unions. She recalls that value and respect was not given to her as much as it was given to her male counterparts, especially when dealing with mostly male management and authorities. She pours time learning many new things, some of them difficult given her limited education like the workings of labour laws and negotiating contracts with employers.

Like many other union leaders, Morm has won and lost in many fights. Being militant, she organized and led many strikes, not less than 50 in the past ten years. Among them were huge strikes, a few of which involved lethal and physical attacks by either authorities or thugs hired by known or unknown factory management.

In 2000, Morm established a national center called Cambodian National Labour Confederation affiliating some five or six federations in the garment sectors. She was the first and only female national center president. In 2002 and later in 2006, she was selected as union representative, together six others from other unions, to both the Labour Advisory Committee and the Industrial Relation Working Group, the only tripartite and bipartite most bodies in charge of regulations on wage and conditions of workers among others. In this capacity, she has involved herself a lot in national negotiation in wage and working conditions for workers. In some of instances, she had to face confrontations and in a few times she had to initiate and lead street actions with the participation of many workers to put pressure on employer representatives and government to accept workers' demands on the bargaining table. She has received threats of different forms from including physical harassment if she continued her fight. She never backed down and always pushed herself forward until success is achieved.

Morm reflects on what she thinks are her main achievements in her over ten years of union work. She has trained and built capacity of many women at factories to work as she does/did for other workers. She has also amplified women's voice and representation at the national level drawing public attention to the poor working conditions and exploitation of women workers especially in the garment sector. For these efforts, she has contributed directly and indirectly to better working conditions and wage and benefits in the country. At a personal level, she feels she has increased her knowledge, experience and capacity to work more effectively for workers.

As a result of her unwavering commitment and sacrifices, she has become known in the media and among workers in Cambodia as one of the key and few women activists in the country.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Women and men workers are almost of the same proportion in terms of employment in Cambodia. However, majority (54%) of unemployed are women. In terms of employment status there are fewer women who are paid employees (41%) and more women who are unpaid family workers (63%). Among employed women workers, a meager 9.3% are considered paid employees and majority (60.7%) are unpaid family workers.

In the garment industry an overwhelming majority (84%) of own account workers are women. Likewise, women comprise 79% of unpaid family work.

Survey findings confirm that women workers predominate in the garment industry as such they also predominate in union membership and leadership at the factory level. But despite the fact that women overwhelmingly populate the workforce and union membership in the garment industry, they are underrepresented in union leadership at the federation level. Our survey revealed that, except for women's officer, women comprise half or less of union leadership positions at the federation level. And as one goes up the union leadership hierarchy women's under-representation becomes more pronounced.

Nonetheless, it could be observed among the unions covered by the survey that there have been structures and policies put in place to promote and develop women's involvement in the union and their representation in union leadership. But the only structures specific to women cited by both factory union and federation respondents are Women's Committee/Commission and Women's Desk. To the extent that women workers overwhelmingly predominates union membership and leadership in the factory unions surveyed, one would argue that these structures are not that significant or relevant. However, this is debatable as having a predominantly women workforce and union membership does not automatically make most women more active or seek leadership position in the union or even gender-sensitive. Thus arguably union structures such as a Women's Committee can play a very important role in eliciting deeper involvement of more women in union activities and leadership and in developing gender-sensitivity.

Survey results point to the existence of a plethora of policies from specific targets of women representation in various structures to policy allocation for women in union education and training. The provision of gender-sensitivity training and reproductive health programs is also very much prevalent in the workplaces covered.

The study found out that there are several women/gender related policies and programs at the workplace, some of which are a product of bargaining i.e. special leave for women, reproductive health, HIV/AIDS awareness and maternity leave beyond what is provided by law. Nonetheless many other provisions in the CBAs are already provided by law as found out in the survey. This highlights a rather limited knowledge and understanding among the respondents of labor law and most probably of collective bargaining as well.

Apart from the above-cited union structures, policies and programs for women, the unions covered also provide development opportunities for women from leadership training to seminars and conferences within and outside the union. However, the effectiveness of such opportunities may have been limited by time arrangements that conflict with women's other responsibilities. This represents one of the barriers to women's activism and leadership in the union.

The survey also revealed several barriers to women's participation in the union and representation in union leadership particularly at the federation level. Many of the identified barriers to union participation of women (e.g. union multiplicity, employer discrimination of union membership) pertain to problems generated from the general environment within which unionism in Cambodia operates. In short, many of the barriers correspond to the challenges facing Cambodian trade union movement in general. However, when it comes to barriers to women's representation in union leadership (e.g. pregnancy, family and household responsibilities, non-assertiveness of women, women as inferior to men), cultural and traditional norms and stereotypes of women are highlighted particularly among men. This is also true when it comes to perceptions about the strengths and weaknesses of women leaders. Nonetheless, while men's views about the strengths of women leaders reflect the perceived intrinsic qualities and skills of women (e.g. patience, hardworking, honest, good communication skills, good analytical and problem skills, good management skills, and others), for women these intrinsic qualities and skills are complemented and reinforced by an enabling environment and context (i.e. broader support and cooperation among women, employers' preference to deal with women).

In the light of the above, we can argue that union initiatives to break barriers to women's representation in union leadership need to be complemented by structural and cultural changes beyond the workplace that address culturally-determined barriers and stereotyping. And there are already signs that changes are taking place albeit slowly. As the UNIFEM et al (2004) study



points out traditional views on the household division of labour are changing as women's participation in the labour market deepens. Responses from many women respondents tend to reflect an emancipatory tone. Although conclusive evidence cannot be established given the very limited sample of the survey, we can argue that women workers interviewed are already a step ahead of men in challenging traditional views on household division of labour. Here we could go further in saying that women's involvement in the union particularly in union leadership has provided emancipatory opportunities for their empowerment.

### *Recommendations*

Clearly, findings of the study indicate the disparity in the level of women's participation and representation in leadership at the shopfloor and at the federation. Women representation in leadership takes more prominence at the factory union level. This means that measures to address representation deficit should distinguish between these two levels of union structure. From the results of the study, recommendations are made in three thematic areas for each union level.

**Table 18: Union Practices**

Thematic Areas	Factory Union Level	Federation Level
<p>Union structures and policies</p>	<p>Adoption of quota or targets (ratio by sex of members) for leadership position for women, for women’s participation in the bargaining team, and for women’s participation in union education training</p> <p>Appoint a gender equality representative (GER) trained to provide information on gender equality and identify and address gender discrimination and sexual harassment issues at the workplace and in the union. The GER may also be trained to do gender equality audit at the workplace and in the union</p> <p>Adoption of a Union Code of Conduct on appropriate behavior (women NGOs like CWMO may help in putting up this Code)</p>	<p>Adoption of a policy promoting and integrating gender equality in all aspects of union work and at all levels</p> <p>Establishment of a Women’s Committee/Commission</p> <p>Adoption of quota or targets (ratio by sex of members) for leadership position for women, for women’s participation in the bargaining team, and for women’s participation in union education training</p> <p>Establishment of a gender equality project group drawn from local unions to share good practices and provide a forum to discuss among others ideas on promoting gender equality in union leadership</p> <p>Following the initiative of Trades Union Congress’ (TUC) on equality auditing (European Commission, 2010: 28), federations may want to consider the conduct of regular gender equality (including sexual harassment) audit, say every two years, to collect information and as a tool for the unions to monitor what they are doing, identify gaps and take action to address gaps. The questionnaire for the audit may be developed through the help of gender equality specialists from the ILO and other women NGOs. The audit may also include tracking the leadership development of women from the shop floor up to the national level. The audit may be done by trade union gender equality representatives duly trained to perform the task.</p> <p>The problem of union multiplicity at the workplace needs to be addressed. Unions should dialogue and cooperate among themselves.</p>

Thematic Areas	Factory Union Level	Federation Level
Union structures and policies		Adoption of a Union Code of Conduct on appropriate behavior (women NGOs like CWMO may help in putting up this Code)
Bargaining	Apart from issues related to women's reproductive health such as maternity, menstrual, health and medical care benefits, unions should negotiate for long-term contract, equality in the job and pay equity	Promotion and incorporation of women's issues and gender equality agenda in collective bargaining as a matter of union policy
Training, education and campaigns	<p>Disseminate and make accessible information on standard procedures and disciplinary consequences for sexual harassment. This could be done through notice boards in the factory.</p> <p>Educating women's family members about the importance of the union and women's role in the union may ease pressure on women and facilitate their participation in the union. Organizing Family Days for women's families could be a good venue for informal, entertaining and creative education on the importance of unions and women's leadership therein.</p> <p>Consulting women in scheduling or arranging developmental training and education programs and other activities may increase the participation and effectiveness of such activities.</p>	<p>Conduct of general training for both men and women providing information and raising awareness on: gender sensitivity, gender equality, sexual harassment, labor law provisions specific to women (maternity leave, breastfeeding breaks at work, and employers' provision of nursing rooms and day care facilities at the workplace)</p> <p>Conduct of education and training courses on: leadership, union administration, labour law, strategic planning and trainers' training aimed at increasing women's capacities and enable them to take up leadership positions</p> <p>Conduct seminars among local unions to share knowledge and good practices on increasing women's union involvement and representation in union leadership</p> <p>Launch campaigns to raise awareness and to stop the practices by employers of paying women workers some cash to buy milk powder instead of providing facilities and breaks for breastfeeding at the workplace</p> <p>Launch campaigns to raise awareness on sexual harassment at the workplace and in the union</p>

Thematic Areas	Factory Union Level	Federation Level
Working with NGOs (like the Cambodian Women Movement Organization, CWMO)	Establishment of links and cooperation with local NGOs and community groups that are involved on issues on violence against women, sexual harassment, reproductive health, etc. These NGOs may provide leaflets, brochures, toolkits, films, and other materials in the local dialect.	<p>Lobby and joint campaign for legislation on equity issues</p> <p>If unions have limited competence and resources to conduct training, education and campaigns, women organizations and labor-oriented non-government organizations may be tapped to help.</p> <p>Assessment of the effectiveness of current training initiatives and capacity building programs carried out by unions</p> <p>Promotion and conduct of research that provide important baselines from which trade unions could assess their gender equality agenda (particularly women representation in union leadership) and document through case studies best practices and initiatives</p> <p>Publication of best practices on increasing women’s participation and leadership representation in the union</p>

There are also areas that require follow up study or further research. These are: (1) baseline study on the extent of retrenchment and short-term employment contract among women workers and incidence of pregnancy in the garment sector, given the general lack of official and updated data; (2) case studies on sexual harassment issues in the union and how they are effectively addressed; (3) case studies on how women rose from the ranks in the union hierarchy, with focus on women’s capacity to contest leadership positions in elections; and (4) an evaluation study of the effectiveness of union training activities and capacity building programs targeted for women’s increased union participation and representation in leadership.

Women workers overwhelmingly predominate in the garment industry in Cambodia. As women know better women’s issues than men they are in a stronger position to protect women workers. The survey findings affirmed that women possess good leadership skills and enjoy much support from both women and men union members. In this regard, they can organize more

effectively and recruit more members in the union. Also, women can better encourage other women to take up leadership positions.

Gender issues are more complex than merely getting more economic benefits and privileges at the workplace for women. Gender stereotypes of traditional roles are manifestations of a patriarchal, male-dominated culture deeply ingrained in society. Dealing with inequality and empowerment of women ultimately requires self-assessment, self-reflection and gradual change in psychological, mental and emotional orientation. Women's involvement in union work has the potential to provide the environment for women's empowerment.

Women's involvement in the union provides opportunities "to learn and experience on a day to day basis how to lead workers, speak in front of members, make organisational plans, develop and understand budgets, negotiate with management, handle disputes and learn technical skills" (Nuon and Serrano, 2010: 145). In this sense, women can develop their capacity to be leaders in the Cambodian society at large. As women are being empowered by their experience of independent and democratic processes in the union, they can fuel the women's right movement in Cambodia (ibid).

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## Appendix: Profiles of factories surveyed

### CLUF

Name: Grand Text International Co.LTD  
Address: Str. Chom Chao, Dangkor District, Phnom Penh  
Year of establishment: 1998  
Total workers: 1251  
Market: NIKE  
Employer's nationality: Taiwanese  
Name of local union: Grand Text Cambodian Labour Union  
Date of registration: 17 October 2000  
Total members: 815 (787 women)  
CBA registration date: 2 April 2009

Name: Hong Va Cambodia Garment  
Address: Str. Chom Chao, Dangkor District, Phnom Penh  
Year of establishment: 1997  
Total workers: 2200  
Market: H&M  
Employer's nationality: From Hong Kong  
Name of local union: Hong Va Cambodia Garment Cambodian Labour Union  
Date of registration: 23 March 2009  
Total members: 698 (635 women)

### C.CAWDU

Name: Yong Va II  
Address: Takmao village, Kandal province  
Year of establishment: 2003  
Total workers: 4000  
Market: Banama  
Name of local union: C.CAWDU Yong Va II  
Date of registration: 2005  
Total members: 1900 (95% of them are women)  
CBA registration date: (No CBA)

Name: Sabrina Garment Factory  
Address: Trapeang Resey village, Samrong Tang district, Kampong Speu  
Year of establishment: 2000  
Total workers: 5200  
Market: NIKE  
Employer's nationality: Taiwanese  
Name of local union: C.CAWDU Sarbina  
Date of registration: 2003  
Total members: 4000  
CBA registration date: 2005