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# ECONOMIC & SOCIAL RIGHTS IN

# CAMBODIA

Shrinking Space for Trade Unions  
in Cambodia



# ABSTRACT

The political environment in Cambodia, within which independent trade unions, other workers' organizations and civil society organizations operate, has become more difficult. There is continued repression of labor unrest, accompanied by regressions in labor regulations. Employer practices such as widespread use of fixed-duration contracts, harassment and violence against union leaders and organizers, and other anti-union discrimination practices that inhibit union formation and operation persist. Democratic space has been restricted, including the dissolution of the main opposition party, restrictions on independent media as well as human right organizations. These developments further narrow the space for trade unions to organize and represent workers and threaten the gains they have already made.

This report examines the current operating environment for trade unions in Cambodia and its impact on trade union organizing, bargaining and advocacy capacity, working conditions and labour rights.

It also considers a range of internal and external strategies for unions and their allies to consider, to address challenges for trade unions and improve worker and trade union rights in Cambodia.

# OUTLINE

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# 1. INTRODUCTION

The growth and success of Cambodia's garment export sector is often associated with the gradual development of labour institutions that gave birth to a labour rights regime in the country beginning with the promulgation of the Labour Law in 1997. Various labour institutions, such as the Better Factories Cambodia, the Arbitration Council, the National Social Security Fund, the Law on Minimum Wage, and to a lesser extent the Trade Union Law, expanded the rights of workers and trade unions. At the same time, the country witnessed the expansion of democratic space at least until 2013. Trade unions, together with human rights non-government organizations, have contributed to the development of democratic processes in the country. The independent labor movement has created an organized base of citizens who are highly conscious of their citizenship and employment rights and are committed to exercising those rights.

The rise of a united opposition party, the Cambodia National Rescue Party (CNRP) headed by Sam Rainsy, that threatened the stronghold of the incumbent Prime Minister's political party Cambodia People's Party (CPP) led the latter to suppress the opposition party, including its supporters, and later on caused its dissolution by the Supreme Court. A regime of labor repression thus ensued in recent years, marked by the passage of different laws that quell dissent and include brazen state actions that harass and intimidate any individual or organization, including trade unions, that question or challenge the current political leadership.

**Continuous and systematic violations of human rights and workers' rights have led the European Union, Cambodia's biggest market for exports, to initiate in August 2020 a partial**



**withdrawal of the country's duty-free access to the EU markets under the Everything but Arms (EBA) program.**

Today, the political environment within which independent trade unions, other workers' organizations and civil society organizations operate remains difficult in Cambodia. The continued repression of labour unrest has been accompanied by regressions in labour regulations. Meanwhile, employer practices that inhibit union formation (e.g. widespread use of fixed-duration contracts, harassment and violence against union leaders and organizers, and other anti-union discrimination practices) persist. At the same time, the operations of human rights organizations have been suppressed due to the 2015 Law on Associations and Non-Governmental Organizations (LANGO). These developments further narrow the space for trade unions to represent and negotiate better working conditions for workers, and threaten the gains so far achieved in the promotion of workers' rights and trade union rights in Cambodia.

Despite this challenging political and industrial relations environment, unions have played a critical role in the improvement of working conditions not only in the garments sector but in other sectors as well.

Overall, the presence of unions in factories and enterprises helps reduce violations of labor standards, and thus improve compliance with labor laws. Through their struggles, workers and trade unions have been able to increase wages in the garment and footwear sector, which has had a signaling effect in other sectors. They have been able as well to pressure reputation-conscious buyers to become more ethical in sourcing suppliers. The wage struggles of Cambodian workers and unions resulted in the yearly review of the minimum wage, growth of the minimum wage in real terms beginning 2015, adoption of the Law on Minimum Wage in 2018, and enforcement of social insurance coverage. These initiatives comprise the unions' contribution, among others, in reducing income inequality in the country.



Sisophon, Cambodia-December 18, 2018: Kimmi labor worker producing clothes in garment factory. Source: shutterstock.com



## 2. LABOUR RIGHTS AND INDUSTRIAL RELATIONS IN CAMBODIA IN LAW AND IN PRACTICE

### 2.1. The political, economic, and legal frameworks of labour rights in Cambodia

Cambodia started to shift to a market economy beginning in the 1990s, following three decades of civil strife and political conflict. This shift was accompanied by a massive economic restructuring that saw the country's gradual integration into the global economy beginning in the early 2000s. In 1997, the Cambodian Labor Law, which has been seen as comprehensive and protective of workers, was promulgated in preparation for the US-Cambodia Bilateral Textile Trade Agreement (1999-2004). **In 2001, Cambodia started to benefit from the Everything but Arms (EBA) program with the EU, giving the country export incentive although in 2020, this incentive was partially withdrawn because of rampant and systematic violation of human rights and labour rights.** On 1 July 2016, the US government granted Cambodia preferential and duty-free access to the US travel goods market. Thus, export to the US has grown substantially especially due to the trade preference for travel goods products.

These two trade arrangements and the Better Factories Cambodia (BFC) programme rooted and expanded Cambodia's top industry and main economic driver—the garment (and later the footwear and

now the travel goods) sector, making US and EU the main export of Cambodian products generating much needed job and revenue for the country (Serrano and Nuon, 2018: xvii; 53) and facilitated the establishment of a labour rights regime in the country.

Under the EBA scheme, Cambodia's continued enjoyment of trade privileges is conditioned on the respect and recognition of core human rights, labour rights, and environmental and governance principles. Following EU regulations, EBA tariff preferences may be temporarily withdrawn where serious and systematic violations of these rights and principles have been established. However, the EBA has no mechanism to monitor and enforce social and labour clauses. Instead, an EU mission monitors BFC, ILO, and United Nations (UN) annual reports and brings any issues or concerns to the attention of Cambodia's Ministry of Commerce (Serrano and Nuon, 2018: p.8).

The temporary partial withdrawal of tariff preferences, which took effect on 12 August 2020, has affected selected garment and footwear products, and all travel goods and sugar. The partial withdrawal of 20% which amounts to a loss of around one-fifth or €1 billion of Cambodia's yearly exports to the EU (EC, 2020). It also means that 12 percent of tariff has been added on Cambodia's apparel exports and somewhere between 8 percent and 17 percent on shoes (Turton, 2020).



Considering this changing situation, Cambodia's relation with China has strengthened with significant increase in political support, FDI and loans while declined with the EU and US.

The labour rights regime, which developed alongside the expansion of democratic space in Cambodia in the early 2000's, came increasingly under attack beginning in the run up to the much-disputed 2013 national elections which witnessed a close race between the ruling party Cambodia People's Party (CPP) and the united opposition party Cambodia National Rescue Party (CNRP). According to Serrano and Nuon (2018: p.xx), in the elections, the opposition party-supportive unions, together with some independent unions, mobilized their membership to join other sectors of society (e.g., farmers, students, informal workers, etc.) to actively campaign for CNRP. The massive mobilizations and the youth vote in support of the CNRP led to the CPP losing many seats in the parliament. This, together with the strikes for wage increases and anti-government protests, has meant that the CPP-led government of Prime Minister Hun Sen has become more repressive towards independent and opposition party-supportive unions while considerably increasing the number of government-supportive unions. In addition to banning the CNRP, the government introduced more repressive legislation aimed at trade unions and their allies. With all its political opponents and their supporters silenced and eliminated; it is no wonder that the incumbent political party CPP won without an opposition in the controversial national elections in July 2018. This difficult and repressive political environment has weakened the labour rights regime in Cambodia in recent years.



**To date , Cambodia has ratified the eight ILO fundamental conventions<sup>1</sup>**, all on 23 August 1999. The country's first modern Labour Law was enacted in 1997 to qualify for US trade benefits (Nuon and Serrano, 2010). It nonetheless created the legal landscape for the exercise of freedom of association, the right to collective bargaining, and the right to strike. Cambodia's Labour Law is a comprehensive law that includes aspects of labour protection (e.g., payment of wages, minimum wages, working hours, overtime and leave, maternity rights, occupational health, and safety), employment protection (e.g., use of fixed-term contracts, severance pay), collective representation (i.e., freedom of association, collective bargaining), and dispute resolution.



<sup>1</sup> These are: the Forced Labour Convention, 1930 (No. 29) , the Abolition of Forced Labour Convention, 1957 (No. 105) , the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) , the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) , the Equal Remuneration Convention, 1951 (No. 100) , the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) , the Minimum Age Convention, 1973 (No. 138) , and the Worst Forms of Child Labour Convention, 1999 (No. 182).



However, to the extent that the Labour Law only covers workers in formal employment, as defined by the existence of an employment contract, only a minority of workers are covered (ILO, 2015; Nuon and Serrano, 2010). Moreover, workers in the public sector, the judiciary, police, army, maritime transportation, and household workers are not covered by the Labour Law. There have been revisions of the Labour Law. It should be noted that substantive adjustments to the 1997 labour law include: (1) reduction of night shift pay from 200 percent to 130 percent in 2007; (2) new provisions introduced in 2016 in the Trade Union Law that are in contradiction to the Labour Law as discussed in the section below; and (3) extension of short-term contracts (FDC) from 2 years to a maximum of 4 years in 2020. In June 2020, the government sent trade unions, employer associations, and labour NGOs a set of proposed amendments which included: (1) reducing night shift pay from 130 percent to 100 percent (same as daytime work); (2) removal of make-up holiday if public holiday falls on the preceding weekend; and (3) arbitration of individual disputes by the Arbitration Council. This law proposal has been adopted officially in 2021.

In 2016, the Trade Union Law (TUL) was adopted. Article 54 on Most Representative Status and Article 14 on new registration requirements changed the industrial relations environment and is primarily responsible for fewer cases registered recently with the Arbitration Council compared to 2014 when the number of cases peaked at 361 (Figure 1). The year 2014 was the time the opposition party and the trade unions were very active. The highest minimum wage increase was also registered in 2014. However, since the TUL was enacted, the number of cases registered with the Arbitration Council dropped significantly while minimum wage increases have experienced a significant drop to a degree that is below labour productivity and inflation increase rate, a basic wage increase reference.

<sup>2</sup> Cambodia: Union busting sparks world-wide outrage – Eric Lee

## The NagaWorld strike

From mid December 2021 until early February 2022, hundreds Nagaworld workers were on strike because NagaWorld management refused to negotiate with their union, the Labour Rights Supported Union of Khmer Employees of NagaWorld Union (LRSU), which called for the reinstatement of 365 workers who refused to take the compensation offered in the termination package and had several other demands related to severance, wages and contracts, after the management had made more than 1300 forced redundancies, using Covid as a pretext.

During the strike, key union leaders of the strike and activists have been arrested and charged, some for incitement and some for obstruction to government's implementation of Covid measures. Currently, eleven are still in detention facing charges.

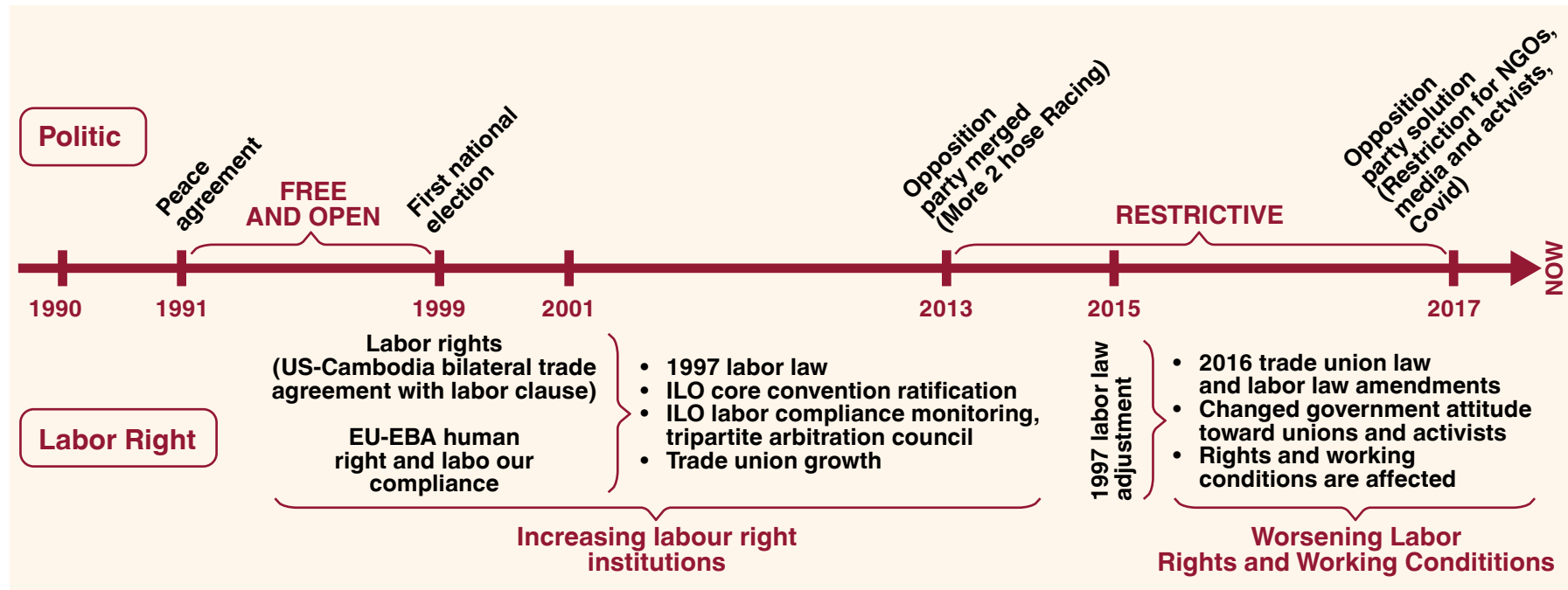
It should be noted that Naga World has a long history of union-busting going back at least 13 years. The company's refusal to recognise its employees' right to freedom of association and collective bargaining has been reported both to Cambodia's Ministry of Labour and the International Labour Organisation multiple times.<sup>2</sup>

There has been strong international and national condemnation of the arrests by the UN, ILO, international and Cambodian human rights organizations, global unions, and trade unions in solidarity.

Internationally, major trade unions, including ITUC and IUF have responded with support, including an International Day of Rally action on February 7th, 2022. The IUF has launched a major online campaign on LabourStart demanding freedom for the jailed union leaders. In addition, several unions along with human rights organisations and ILO, have sent letters directly to the Cambodian Prime Minister in support of the NagaWorld union.



Figure 1: Political, economic and labour rights trends



## 2.2. Status of working conditions and workers' rights

### 2.2.1. Collective labour disputes

The key factor that led to the reduction in collective cases has not been a reduction in workplace grievances and disputes, but rather the increased barriers for unions to submit cases to the Ministry of Labour and Vocational Training (MoLVT). Since the introduction of the TUL in 2016, the MoLVT and its provincial departments, have

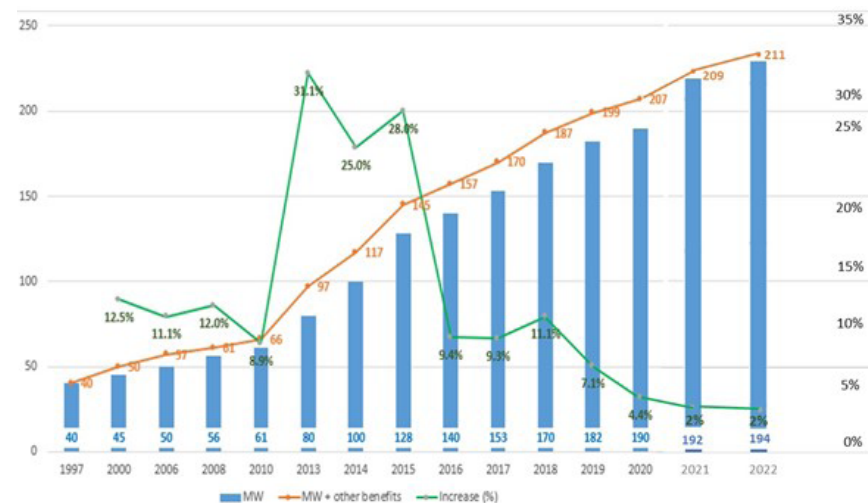
begun to reject cases where unions, in their view, do not meet the requirements outlined in the TUL. They have also encouraged unions to file their cases as individual disputes instead. The TUL has simply led to a situation where several legitimate collective cases can no longer be conciliated by the Ministry and ultimately can no longer be arbitrated by the Arbitration Council. This is a direct contradiction to the labour law which envisaged all collective cases to be conciliated, and if that fails, the Ministry of Labor forwards these cases to the appropriate statutory mechanism for arbitration. This dynamic has been exacerbated by a high level of uncertainty around the law which



has led to low levels of capacity and knowledge on behalf of unions regarding the dispute mechanisms.

A reduction in cases to the AC has not meant a reduction in workplace conflict, although the number of strikes has also declined, but this too is due to difficulties in organizing a strike. Rather, it means that workers and unions find alternative ways to express and solve their grievances. Unions have moved their complaints from the statutory mechanisms to non-statutory mechanisms. This has, in turn, increased pressure on buyers to get involved in workplace disputes, and most strikingly, resulted in an exponential rise in individual labour disputes which will likely lead to a rise in wildcat strikes. Some cases were also returned to the workplace for further negotiation, after being rejected by the Ministry. These further negotiations and other alternative pathways for labour dispute resolution have been taking place in a tense political and industrial relations climate, so that often solutions are less effective and sustainable than if they had gone through the pathway envisaged in the 1997 Labour Law.

**Figure 2: Development of minimum wage and other benefits in Cambodia (US\$)**



Source: Graph constructed by the authors using data from MoLVT.

### 2.2.2. Wages

Wage is an important issue for workers. Beginning 2012, the monthly minimum wage has been adjusted annually, with the highest increases made between 2013 and 2015 (Figure 2). On a yearly basis, the increase peaked at 28 percent in 2015 following the outbreak of large-scale strikes in the previous years. The monthly minimum wage for 2019, 2020 and 2021 was set at US\$182, US\$190, and US\$ 192, representing an increase of 7, 4 and 2 percent from in these years. In 2022, it was set at US\$194 per month, a lower increase of around 2 percent.

### 2.2.3. Work intensity

**Excessive overtime** remains a sticky issue in Cambodia, particularly in the garment and footwear sector. Regulations stipulate that overtime is allowed for a maximum of two hours per day. However, the non-compliance rate on this overtime limit remains high and is escalating over the years.

In the 35th BFC Annual Report, overtime work was found to exceed the two-hour limit in 72 percent of the factories assessed in the period 1 May 2017 to 30 June 2018 (BFC, 2018: 41). This rate represents

an increase of 6 percentage points from the non-compliance rate of 66 percent in the 2015-2016 assessment period (33rd BFC Annual Report). BFC further reports that excessive overtime work is often the result of last-minute changes in orders, as pointed out by 72 percent of the factories assessed.

#### **2.2.4. Job security and safety**

**Job security** has been another concern of workers. The rate of non-compliance with the regulation on the two-year limit on the use of FDCs remains high and is increasing in the garment and footwear sector. From 27.8 percent (of the garment factories assessed) in 2016, the non-compliance rate more than doubled at 67.9 percent in 2018 (BFC, 2018: 29), a huge increase of 40 percentage points. This suggests that most garment factories do not change worker contracts from FDC to UDC after two years. Lack of agreement by employers is the reason for this non-compliance, as cited by 284 (or 61%) of the 464 factories assessed.

**Safety and health** at the workplace is among the areas where the rate of non-compliance is high. The findings of the BFC assessment involving 464 garment factories for the period 1 May 2017 to 30 June 2018 (BFC, 2018: 31) highlight that either a majority or a significant proportion of the garment and footwear factories assessed failed to comply with occupational safety and health standards. According to BFC, occupational safety and health (OSH) continues to be a challenge for garment factories. The lack of proper policies, procedures and division of roles and responsibilities on OSH contribute to high and increasing non-compliance levels. According to BFC, occupational safety and health (OSH) continues to be a challenge for garment factories. The lack of proper policies, procedures and division of roles and responsibilities on OSH contribute to high and increasing non-compliance levels.

#### **2.2.5. Discrimination and violence**

The female labor force participation rate in Cambodia is very high at 76 percent in 2019, compared to the average rates in low-income countries at 58 percent, high-income countries at 53 percent, and middle-income countries at 45 percent (World Bank Gender Data Portal). This may be attributed to the predominance of the so-called “female” industries in Cambodia’s economy, specifically garments and tourism.

The yearly BFC assessment of working conditions include discriminatory practices against workers during hiring, employment, and termination based on their race, color, gender, or political opinion. It checks whether management either dismisses or changes workers’ employment status due to maternity leave, pregnancy or differentiating pay or contract offerings for men. In its 2018 annual report covering the period 1 May 2017 to 30 June 2018, BFC found that non-compliance relating to discrimination was found in 57 (12%) of the 464 garment and footwear factories assessed (BFC, 2018: 5). Many non-compliance cases were related to discrimination on grounds of gender. Overall, non-compliance is very low. For the same period, only 7 percent of factories assessed were found to have discriminated by hiring because of gender (ibid: 23). A meager 2 percent of factories terminated workers who were pregnant or forced them to resign. Only 1 percent had job announcements that refer to the applicant’s gender. It is interesting to note that none of the factories assessed reported cases of sexual harassment of workers in the workplace. The BFC nonetheless clarifies that it might not detect all discrimination issues as “discrimination is an area that is sometimes hard to find evidence of” (ibid: 5).

However, a study done by CARE (2017) found that 28.6 percent, or nearly one in three female garment factory workers, report



Phnom Penh, Cambodia - January 9, 2020: Demonstrators in the city center asking for Chhirin Sithar, to be reinstated as the President of Labour Rights Union. Source: shutterstock.com



experiencing sexually harassing behaviours over the last 12 months. The study also showed that one in four men surveyed (50 of the 198 men) reported being asked questions of a sexual nature in the workplace.

### **2.2.6. Freedom of Association and Trade Unions**

Freedom of association has been a long-time contentious issue. In 2016, the ITUC Global Rights Index puts Cambodia among the 10 worst countries where working people have no guarantee of their rights (ITUC, 2016). In 2019 and 2020, although no longer among the top 10, the country remains among the worst countries in the world to work in (ITUC, 2019; ITUC, 2020 ). For both years, Cambodia scored 5 in the ITUC index, which means that: “While the legislation may spell out certain rights, workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices” (ITUC, 2020: 54). Further, ITUC reports cases involving criminal charges brought against and arrests of union leaders in Cambodia.

The difficult political environment and the highly contentious industrial relations landscape in Cambodia hampers the growth of unionization in the country. Overall union density was a meager 9.6 percent in 2012, the latest official data available from the 2012 Labour Force Report of Cambodia’s National Institute of Statistics (NIS and ILO, 2013: 88). The report notes that 319,042 employees were members of a trade union. Of this number, a majority (68%) were female workers and 32 percent were male workers. About 16 percent of all female workers were members of a union, while the proportion was 5.2 percent among male workers because unions are mostly concentrated in the garment sector where women workers comprise most of the workforce.





**Table 1: Number of registered unions, 2017-2019**

Union type	2017	2018	2019
Confederation	6	4	5
Federation	40	37	36
Local union	635	489	375

*Source: Data from the MoLVT annual reports for 2017 to 2019.*

Union density varies across industries. According to the 2012 Labour Force Report, union density in 2012 was a high of 18.8 percent in industry (mainly because of the union membership share of the garment and footwear sector), a low 5.1 percent in services, a meager 3.1 percent in transport, and a marginal 0.9 percent in construction (Figure 4).

Since 2010, there has been a dramatic rise in the number of local trade unions, national federations, and confederations. However, except in the garment sector, the rapid increase in the number of union organizations has not been accompanied by a marked growth in union membership and union density. The garment industry remains the only sector that is highly unionized, where as much as 70 percent of garment workers are union members.

More recently, table 1 indicates that while the number of federations on average remained the same, a gradual decline in the number of federations and a dramatic decline in the number of local unions is observed during the period. In fact, the number of local unions declined by about 41 percent in 2019 from its number in 2017. This suggests that indeed it has become more difficult to organize and register a union in recent years in Cambodia.

The exponential increase in the number of unions resulted in union multiplicity, which is “the proliferation or overcrowding of mostly competing trade unions at various levels” (Serrano and Nuon, 2018: 102). Union multiplicity is in fact one of the key characteristics of the Cambodian trade union movement. To the extent that the growth in the number of national-level federations and confederations is higher than the growth in the number of enterprise-level unions. Union multiplicity tends to be more intensified among the higher-level union organizations.

Serrano and Nuon (2018: 112) also observe that alignments, realignments, and splits continue to take place in the Cambodian labour movement due to various reasons, governance, leadership division, political trend are just a few. The number of federations and confederations have increased fast for various reasons (Serrano and Nuon, 2018: 102). Also, the number of non-affiliated unions grew dramatically. Realignments and splits have been more pronounced among independent national unions in recent years, while two pro-government groupings (Cambodia Confederation of Trade Unions and National Union Alliance Chamber of Cambodia) have been put under an umbrella top union structure called Cambodian Transport Workers Federation (CNU). The most notable split occurred in the CLC as three federations—the CFSWF, CICA, and IDEA—left the CLC in 2014. This was the first time that a split occurred among the independent trade unions. Moreover, three federations left a confederation in just a year. In 2019, the hotel federation Cambodian Tourism and Service Workers’ Federation (CTSWF), which is under CLC, was split into two. A major weakness is also found in the trade union capacity in the country. The trade union organizations are found lacking human resource in quantity and quality. They are often male leader driven lacking participation and involvement of members predominantly women and youths. Their resource generation and financial sustainability is another serious concern when many of them

are heavily dependent on external sources for funds for union administration and program costs. Small membership and divided worker representation may be a main cause of this challenge. With all of the challenges mentioned above, it should be noted there are a number of strengths in this trade union movement. First, high unionization rate in garment sector is the highest union density in the region although many members are in pro-government unions. This creates power, leverage for the worker side against employers and the government and makes a good example or base for organizing in other sectors which has made some progress. Second, the labour movement is nascent but growing and unionizing the young and female workers would represent a powerful opportunity to build the movement. Finally, there is a range of labour compliance institutions such as trade agreements, international framework agreements, global unions and labour solidarity support organisations.

Figure 3 below summarises the strengths and weaknesses that Cambodian unions have, as explained above.

**Figure 3: Union development overview**

UNION DEVELOPMENTS	
Strenghts	Challenges
<ul style="list-style-type: none"> <li>• High union density in key sectors</li> <li>• Some gains from unionizations</li> <li>• Increased organising, particularly new and informal sectors</li> <li>• Women and youth membership, potentials for growth</li> </ul>	<ul style="list-style-type: none"> <li>• Increased union multiplity</li> <li>• Increasing union numbers, but not really members</li> <li>• Weak trade union organizations (member involvement, male dominant and leadership driven)</li> <li>• High dependency on external resources</li> <li>• Recent lack of collective campaigns</li> </ul>

### 2.3. The impact of COVID-19

The COVID-19 pandemic had a major impact on many workplaces, and highlighted the difficult situation for unions, workers and their rights. Many workplaces were shut down, either partially or completely. The rights of some workers were violated, including the termination of employment contracts by employers without compensation or with reduced compensation. (Serrano and Nuon 2021:73). While independent unions campaigned for the rights of workers, they lacked the capacity to increase wage subsidies or stop the violations. (Nuon 2021: 28)

The COVID-19 pandemic also demonstrated the absence of social dialogue, and the role of trade unions was largely limited to information dissemination. (Nuon 2021:32). Furthermore, in response, the government, which has long been warning workers against protesting, ‘sent a warning letter about worker protests to the Cambodian Alliance of Trade Unions (CATU), threatening it with dissolution.’ (SOLIDAR 2020: 30)

Because of the impact of the pandemic on unions’ traditional organising activities, with campaigns that involved mobilising members, and many negotiations with employers and dispute resolution suspended, social media became a significant avenue for unions to maintain contact with members, including online videos and training. (Facebook pages of various independent trade unions 2020/2021).







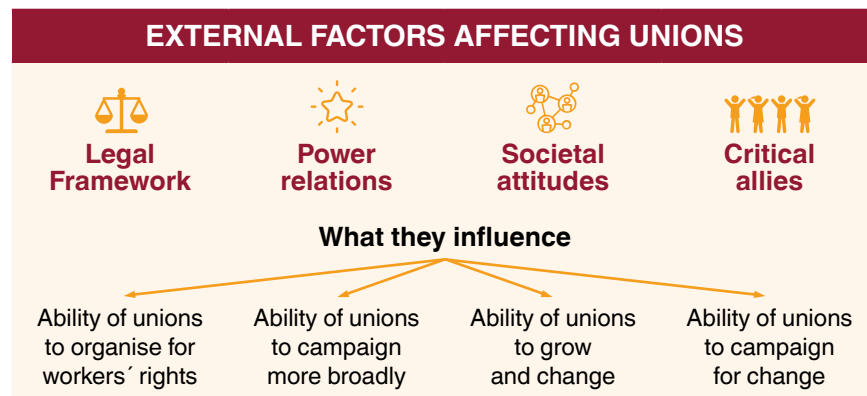
# 3. CRITICAL AREAS FOR FOCUS

This section provides some strategies that Cambodian unions can employ to improve the situation. Cambodian unions and their allies can contextualise these strategies within the current Cambodian industrial relations and civil society environment.

The diagram below describes a range of external factors that affect union power. These include the legal framework, power relations, societal attitudes, and critical allies. They influence the ability of unions to organize for workers' rights, to campaign and to grow and change.

For unions to improve the situation, there is a need to focus on both external and internal strategic areas.

**Figure 4: Union external environment**







### 3.1. External Strategies

These strategies include (1) maintaining and extending the strong compliance; of the originally developed laws and institutions, (2) joining other democratic forces to campaign for reinstatement of democracy and (3) campaigning together with local and international allies and global unions to build support for the Cambodian labour movement .

Laws that ensure and support labour and trade union rights are a necessary element of democracy. While the 1997 Labour Law enshrined labour rights, these rights were limited to workers in the formal economy. There is a need to both protect these rights and extend them as well, to workers in other sectors of the economy and to improve workers' and trade union rights. There is also a need to ensure compliance by the government and employers.

The importance of access to international markets for the Cambodian economy is an avenue for increasing pressure on the government to reform industrial relations. The impact of the US and EU trade agreements demonstrates the important role of governments negotiating trade agreements with Cambodia to include workers' rights as an integral part of the agreements. Campaigning for trade agreements that include internationally agreed and enforceable labour rights and labour standards is vital.

There is also a continuing role for other international organisations such as the ILO, with their decent work agenda, ILO conventions, and its supervisory mechanism, like Direct Contacts Mission (DCM) which in 2017 developed a roadmap for Cambodian government to address non-compliance areas. The UN, with implementation with the Cambodian government to achieve its Sustainable Development Goals (e.g., SDG 8), can also have a role to play. Xhafa and Nuon (2018: 31-32) also point to the potential contribution to compliance with



CLS+, a regional strategy for the garment industry, as a chief exporter. This could make it possible to address issues such as the threat of company relocation due to production cost pressures.

Trade union solidarity support organisations (TUSSOs) and Civil Society Organisations (CSOs), both national and international, together with Global Union Federations (GUFs) also have an important contribution to make in solidarity with Cambodian trade unions. This includes advocating for union rights, changes to laws and support for democratic institutions, freedom of association and campaigning around specific issues, such as OHS and the rights of women workers. GUFs are also able to negotiate global agreements with international companies, which can extend rights by providing a framework for affiliated country unions to negotiate CBAs such as with involvement of companies sourcing from the country and workplaces.

**Figure 5: Union external strategies**

STRATEGIC FOCUS FOR BUILDING UNION POWER: EXTERNAL	
WHERE	WHAT
Local	Rebuilding democracy
National	Maintaining and extending labour rights
International	Resisting legal and attitudinal change that restricts unions

**All contribute to** →

## 3.2. Internal Strategies

### *Independent trade unions and unity*

There is greater potential for Cambodian independent trade unions to build their own power and to continue to contribute to expanding Cambodian democracy. Examining what contributes to increasing their union capacity, strength and power and what strategies can best be applied to increase these is an important aspect of trade union organising.

Developing networks of members, leaders, and activists, both within and among unions, as well as with CSOs at both local and national levels and providing a space where they can come together to discuss issues and options for resolution, share successes and build relationships and alliances is also important.

The International Transport Federation's (ITF) coordination of their three transport union affiliates in Cambodia—IDEA, Sihanoukville Port, and Cambodian Transport Workers Federation (CTWF)— in 2020, to form a national coordination council to coordinate the work in the transport sector, is a contribution to this.

Union divisions weaken the trade union movement. The trade unions themselves need to play their role, which can be enhanced by building solidarity campaigns around shared issues and working collaboratively, for example, with the 2013 strikes and the ITF initiative mentioned above. Having common ground for campaigns and solidarity actions can contribute to overcoming or ameliorating divisions.



### **3.2.1. Organizational structures**

Unions need to improve their own organisational structures, policies, and programs to reflect the need to embrace greater union democracy, equality, diversity, and inclusiveness. A number of organisational issues such as lack of representation of some groups of members and a lack of clearly defined roles of union leaders, have been identified by some trade unions.

Addressing these organisational issues will contribute to necessary change. This is vital for recruitment, organising and campaigning as well as engagement with broader social movements. Any plan should be developed in line with union values and their goals of greater union democracy, equality, diversity, and inclusiveness.

### **3.2.2. Women's leadership and participation**

Union leadership at the enterprise level, and more so at the federation level, continues to be male dominated. While there has been an increase in women's participation, there is a need for further increases at all levels, from grass roots membership to national leadership. An analysis of what prevents women from joining and participating and what encourages them, together with implementation of resultant outcomes, will help with capacity building and strategy development to increase the involvement of women within trade unions. There are already examples from trade unions of how this may be done. Strategies such as leadership programs, quotas, policy and program reviews based on gender, educational initiatives, structural changes and introduction of structures for women, such as Women's Committees, resources and gender inclusion in all activities, need to be developed and implemented to increase women's participation at all levels.

An analysis such as this could be applied to encouraging participation of other groups that are discriminated against. This is notable also because of the very low number of members from identified groups, such as people with disabilities, LGBTQI+.

### **3.2.3. Membership engagement and participation**

Fundamental to a strong union which reflects union values is membership participation and involvement in all aspects of their union. An approach to issue resolution and increasing the space for unions in society should not rely on "the union leadership" to 'fix things.' Some independent unions have indicated that they highly value and encourage member participation in all aspects of trade union activities and have looked to ways to increase this.

The values of a union should be evident in any campaigning and in all union activities, so it is important to understand how union values underpin the way unions organise and campaign. With their values as the basis, planning and strategy development for campaigns becomes clearer and unions can reflect on the extent to which their union activities and campaigns represent their values in practice.

Improving internal structures, policies and decision-making processes have all been identified as areas for unions to work on. Good two-way communication is integral for successful unions and ensuring the methods are suitable to the circumstances is important. Social media is one of these areas.

Education and training are rated highly by some union survey respondents to enhance members' commitment and participation in their union. It contributes to union capacity building at all levels. Education programs should reflect union values, as well as the goals of the union and the needs of members.

Unions need to consistently engage in planning to implement strategies to increase membership engagement and participation. Part of this process includes evaluation and there are examples of planning and evaluation being undertaken by unions to address these and other issues. Information about evaluation could be provided to unions more broadly to enable them to undertake similar assessments to address their own issues.

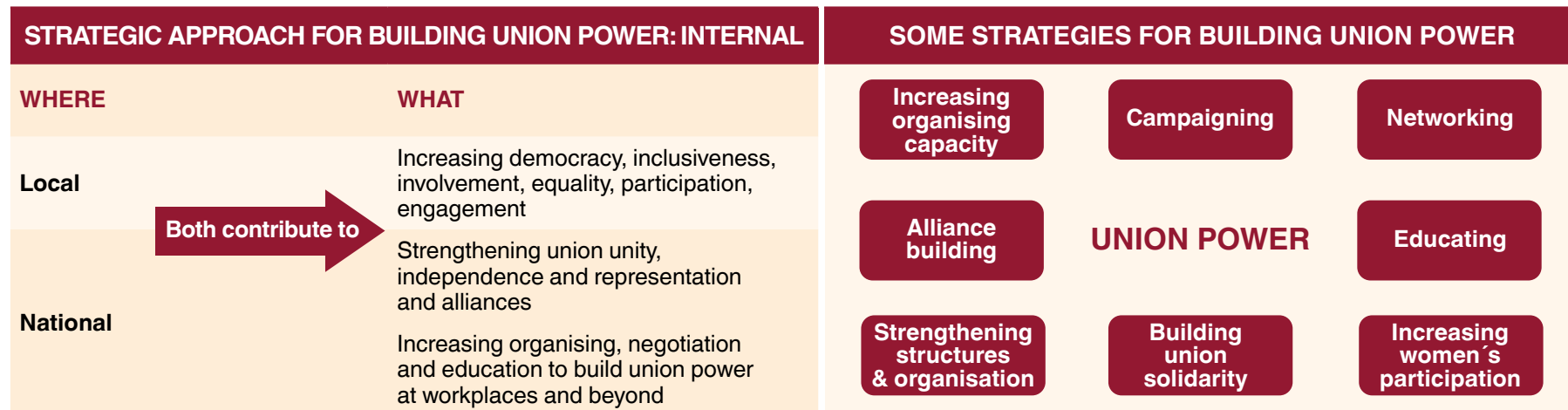
### 3.2.4. Campaigning and networking

Union surveys have identified workplace issues that are areas of concern for unions and members, and these are important for unions to prioritise and organise around. Such issues include, for example, informal and precarious work, wages, employment conditions, access to, OHS, GBVH, disputes and grievances (ibid). From the experience of unions, campaigning on issues that are important to workers and members is necessary for involving members, organising and

recruiting and building capacity and union power. This can assist with building even stronger relationships between members and union leaders and can reinforce the importance of union membership and involvement. In these struggles, there is also the opportunity to educate further about issues such as gender equality, freedom of association and democracy, both within the workplace and in the broader society.

There are also campaigns where the issues extend beyond an individual union, where there is potential for unions to initiate or continue to organise collectively, such as workplace democracy, freedom of association, social protection women’s equality in the workplace, violence against women in workplaces and society and changes to laws and regulations. And there are broader issues such as democracy, social justice, rights of women and other marginalised groups, where trade unions can join with broader social movements, CSOs and others campaigning for these issues.

**Figure 6: Union internal strategies and union power-building**





## 4. CONCLUSIONS

It is more difficult now in Cambodia for trade unions to work to protect and further their members' interests and rights. This is mainly due to the loss of democracy and attempts by the government and employers to distance themselves from a strong labour right regime, grown for over two decades up until the 2014 violent crackdown on workers' wage protests and the 2017 dissolution of the opposition party, which was followed by a restriction of independent media and human rights and democracy organizations through laws and actions targeting dissent organizations, including trade unions. Without these rights and an enabling environment, working rights and worker rights in practice have been declining, with much smaller minimum wage increases, less access to collective dispute settlement, longer short-term contract and, more restrictive laws for democracy and labour activists. This situation is aggravated by the Covid-19 pandemic, which not only caused some job losses, but also provide advantage to the government and employers to restrict rights and benefits of workers.

The Cambodian trade union landscape is also highly fragmented and divided, with independent trade unions competing with government and management supportive unions as well as amongst their own group. While there are some strengths in high unionization in the garment sector and the start of worker organizing in other sectors, labour right compliance attached to preferential market access, international labour support and solidarity organizations, availability of young and female workers, more weaknesses exist in this still young movement. These are mainly found in fragmentation and division among unions, weak trade union organizations with a lack of capacity, limited member engagement and funding resources in the face of the need for worker awareness raising and other campaigns and the

recent lack of worker campaigning, partly because of the shrinking space and physical social distancing caused by the pandemic.

To address these challenges and build on some of the overall strengths the trade unions, it is important to focus on some key external and internal strategic areas. The external environment involves unions at local, national, and international levels organizing to contribute to rebuilding democracy, maintaining, and extending labour rights and resisting legal and attitudinal changes that restrict unions. Strategies to address internal union challenges and build union power can occur at local and national levels with involvement from members. This includes the development of union strategies that can increase membership and member involvement in their union, strengthen organisational structures, increase union resources, strengthen workplace education and organizing, increase union solidarity and strengthen union values and principles that underpin all policies, programs, campaigns, and activities.

# REFERENCES

1. BFC/Better Factories Cambodia (2018). Annual Report 2018—An Industry and Compliance Review. Geneva: ILO and International Finance Corporation
2. CARE International (2017). 'I know I cannot quit.' The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry. Canberra: CARE Australia
3. EC/European Commission (2020). Commission decides to partially withdraw Cambodia's preferential access to the EU market. European Commission News Archive, 12 February 2020. Available at: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2113>
4. Eric Lee, blog: Cambodia: Union busting sparks world-wide outrage – Eric Lee
5. ILO (2015). Labour standards in global supply chains: A programme of action for Asia and the garment sector. Cambodia Garment and Footwear Sector Bulletin Issue 1, Phnom Penh
6. ILO (2016) How is Cambodia's minimum wage adjusted? Cambodia Garment and Footwear Sector Bulletin Issue 3, March 2016, Phnom Penh.
7. International Trade Union Confederation (ITUC) Cambodia - ITUC Survey of violations of trade union rights (ituc-csi.org)
8. IUF Asia-Pacific web page: Striking workers denounce NagaWorld management's misinformation campaign, call for release of arrested leaders and restoration of union rights - IUF Asia-Pacific (iufap.org)
9. Nuon, Veasna (2021) Social Dialogue in the 21st Century: Mapping Social Dialogue in Apparel: Cambodia Cornell University School of Industrial and Labour Relations and the Strategic Partnership for Garment Supply Chain Transformation
10. Nuon, Veasna and Serrano, Melisa R. (2010) Building Unions in Cambodia: History, Challenges, Strategies. Singapore: Friedrich-Ebert-Stiftung.
11. Nuppun Research and Consulting Co., Ltd. (2018) The Study on Arbitration Council Operational Environment (USAID), Phnom Penh
12. Serrano, M. R. and Nuon, V., (2018) Unions and Development in Cambodia FES, Singapore
13. Serrano M R and Nuon V., (2021) Labour Rights and Industrial Relations in Cambodia: A Baseline Study USAID, Phnom Penh
14. Ward, K. and Ford, M. Labour and Electoral Politics in Cambodia. Journal of Contemporary Asia. DOI: 10.1080/00472336.2021.1963810
15. Xhafa, E. and Nuon, V (2018) The Future of 'Ethical Production' for Cambodia's Garment and Footwear Industry: What Role for Trade Agreements with Labour Clauses? FES, Singapore



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