



Feminised Migration and Deteriorating Conditions of Employment in the Garment Industry in Cambodia: Perspectives of workers organised by CATU

A Feminist Participatory Action Research



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CATU Cambodia

This research report is part of a multi-country Feminist Participatory Research Project implemented by The Global Alliance Against Traffic in Women (GAATW) in partnership with colleagues in South, Southeast and West Asia. GAATW gratefully acknowledges the financial support of Women's Fund Asia to carry out this project.

GAATW and the Research Partners stand by the process and findings from the researches. Views and opinions expressed in this report do not necessarily reflect the views of Women's Fund Asia.

About GAATW's Feminist Participatory Action Research Project on Safe and Fair Migration in Asia

In 2018-2019, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS), in collaboration with eleven organisations across nine countries in Asia carried out a Feminist Participatory Action Research (FPAR) titled 'Safe and Fair Migration: A feminist perspective on women's rights to mobility and work'.

In our study, FPAR is used as a framework and approach to capturing migrant women's complex realities and perspectives on labour and migration. What distinguishes FPAR from conventional research is that it is deliberately women-centred and participant-driven; the knowledge comes from the women (community) and is owned by them, and based on their lived experiences. Research participants propose solutions so the research results become a tool to collectively organise advocacy actions. Therefore, this is an outcome of deconstructing the dominant understanding of safe and fair migration and reshaping the concepts from a feminist perspective. We believe our approach of building knowledge from the ground up and creating evidence base will add value in addressing the structural causes of power disparities that affect women's migration and mobility.

Our research community ranges across South, Southeast, and West Asia offering views from both countries of origin and destination, as well as adding the perspective of internal migration from rural to urban areas. Three distinguished sectors of work are covered in this study, including domestic work, garment work, and entertainment work.

The lead researcher groups who facilitated discussions with women migrants are: Anti-Racism Movement (Lebanon), Cambodian Alliance of Trade Unions (Cambodia), International Domestic Workers Federation (Lebanon), Karmojibi Nari (Bangladesh), Legal Resources Center for Gender Justice and Human Rights (Indonesia), MAP Foundation (Thailand), Sandigan (Kuwait), Self-Employed Women's Association (India), Society for Labour and Development (India), Women Forum for Women in Nepal (Nepal), and an independent researcher based in Jordan.

"Two people will shout as much as they can. But ten people are louder than two."

Borrowing from one of our FPAR research participants' words, we hope each piece of our collective study will help amplify women migrant workers' voice to bring about structural change for a safe and fair migration that works for women.

A consolidated regional report and the country research briefs are available on the GAATW (www.gaatw.org) website.

FOREWORD TO THE 'SAFE AND FAIR' RESEARCH SERIES

In the past several decades neoliberal globalisation, inequality between and within countries, conflict and environmental degradation have prompted unprecedented levels of migration. We are seeing a major trend towards increasing internal migration and urbanisation – by 2050, the global population living in urban areas is expected to reach 66 per cent. Meanwhile there are around 250 million international migrants, of whom half are women. In destination countries, demographic, labour market and economic changes (the privatisation of public services, aging societies, women's growing participation in the workforce) have created a demand for care and service work, with an expectation that this demand will be filled by female workers in the domestic, care, manufacturing and entertainment sectors. In origin countries, economic restructuring and industrialisation have led to loss of traditional livelihoods, agricultural decline, wage stagnation and a growth in precarious work, resulting in gross inequalities, and creating push factors for women to seek alternative income generating activities, including through migrating for work.

While these structural changes play a huge role in shaping “push and pull factors” for migration, it needs to be acknowledged that women are not merely passive subjects in their migration, but that for many, migration is a way of asserting agency and finding freedom from patriarchal societal norms. Many women choose to migrate in order to see the world and gain new experiences, find economic opportunities, to be able to support families and to exercise autonomy and social independence. Despite the many risks and the challenges in accessing information about migration processes and opportunities, women continue to migrate all over the world, including from marginalised communities and rural villages. However, there is a lack of recognition of migration as a right, and of women workers as independent economic actors. States' labour migration policies are broadly missing a human rights and gender-transformative approach to migration and work.

Activists on the left have long critiqued the exploitative nature of some cross-border labour migration schemes that employ workers on poverty wages in substandard conditions, while outsourcing the costs of social reproduction to countries of origin. In the past 20 years, feminists, including GAATW, have tried to bring attention to the particular discrimination and risks created for women migrants by laws and policies governing, and failing to govern, labour migration. Although such initiatives have tried to stress women's perspectives, the conversation about migration has sometimes backfired and produced unintended consequences. Governments of origin and destination countries have in some instances responded not by making migration protective of human rights, but by curbing it through restrictions on women's mobility on the basis of age, marital status, pregnancy and maternal status, and category of work, especially for low-wage workers, and increasing border controls.

Much of this is done with the supposed aim of 'protecting' women from trafficking and exploitation; however, what these protectionist restrictions have done is open up a market for clandestine and debt-financed migration, creating or exacerbating the very vulnerability, violence, and exploitation they were intended to prevent. While non-governmental organisations (NGOs) have tried to bring issues of human rights to the table, they have, perhaps unintentionally, contributed to the repressive government agendas. Some anti-trafficking NGOs perpetuate narratives and images of migrant women as victims, and infantilising women by portraying them as inherently vulnerable and in need of protection. As a feminist alliance, GAATW sees its role as supporting the empowerment of migrant women to move and work safely and with dignity. This feminist participatory action research project is our collective effort to deconstruct and reshape a narrative of labour migration that is safe and fair for women workers, especially those in the most marginalised segments of society. We hope that this study serves as evidence to fight for the rights of migrant workers and amplify women's voices in the local, regional, and international migration agenda.

Table of Contents

Introduction	6
The Garments and Textile Industry in Cambodia	6
Social Justice and Feminist Movements	8
Internal and Cross Border Migration	9
Trade Unions in the Garment Industry	10
Rationale for the Study.....	12
Research Methodology and Processes	13
Research Objective	14
Research Participants Composition	14
Findings and Analysis.....	14
Gaps between Expectations and Reality.....	15
Job Security	15
Workload	16
Wages	17
Social Security	17
Health and Safety Issues	18
Sexual Harassment and Violence at Workplace	18
Understanding of Safe and Fair Migration	19
Recommendations by Women Workers	20
Recommendations	20
References	21

Introduction

The garment and textile industry has been the centrepiece of Cambodia's export oriented industrialisation process and one of the pivots of the country's economic transition. It is also one of the mainstays of industrial employment in Cambodia. In 2019, the industry is estimated to employ about one million workers.¹ If we consider the service sector that has burgeoned around the garment factories, including food, construction and rentals, the number of people dependent on the industry for livelihoods would be in the region of three million. This is a sizeable proportion of the population, which is about 16.5 million. The significance of the garments and textile sector as an employer may be seen from the size of the labour force in Cambodia which, comprising employed and unemployed persons over the age of 15 years, is 9.3 million. The sector is dominated by women workers and over 80 per cent of textile and garment workers are rural-urban migrant women who contribute a significant proportion of their earnings to their families in rural areas. The sector has also been hugely important in generating revenues for the economy. In 2010, the sector accounted for approximately 15 per cent of GDP and 85 per cent of the country's exports.²

This study was conducted by the Cambodian Alliance of Trade Unions (CATU) in order to explore the condition of women workers in the garment industry and to learn how to improve their conditions and make their migration safe. CATU is the only independent federation of trade unions in the garments and textile sector in Cambodia at present. It comprises 20 trade unions. The research focussed on members of CATU at a time when the political situation in Cambodia is changing. The European Union (EU) is in the process of reconsidering the preferential access that it provided to its markets under Everything but Arms (EBA) scheme on account of human rights problems, land grabbing and political repression in Cambodia.³ As the garment sector provides employment to a sizeable section of the women's workforce in Cambodia, any change for the worse would have a drastic effect on women and their families. The study was undertaken at a time when employers in association with pro-government trade unions are undermining the strength of independent trade unions and consequently the latter's ability to leverage workers' bargaining power with owners.

The Garments and Textile Industry in Cambodia

The garment and textile industry was established in Cambodia as part of the economic rebuilding that followed the 1991 political settlement and the UN monitored general elections in 1993. Decades of armed conflict prior to the political settlement had devastated the economy and Cambodia depended heavily on external bilateral and institutional assistance for reconstruction efforts.⁴ Heavy dependence on foreign investment to kickstart and sustain the economy generated receptiveness to ideas of development that came from donor countries and organisations. International agencies promoted Cambodia as a new model of export-led development and the garments and textile sector became the ground for a unique experiment in regulation of labour relations. A unique 'ensemble of state, trade unions, private sector and international institutions' allowed the industry to occupy a niche as an 'ethical producer' among exporting countries.⁵

¹ This is an estimate by CATU. In 2016, the garment industry employed over 700,000 workers (Bharat Book Bureau, 2016).

² These figures are from the Cambodian Ministry of Commerce cited in Oka (2015). In 2008, it accounted for roughly 70% of exports volume, 90% of export revenue and 16% of gross domestic product (GDP) (Arnold and Shih, 2010).

³ The EBA scheme was applicable to the least developed exporting nations and included Myanmar and Bangladesh.

⁴ As late as 2009, the US Department of state reported that about half the central government's budget depended on donor assistance (cited in Arnold and Shih, 2010).

⁵ Arnold and Shih (2010).

The growth of the garments and textile industry in Cambodia is due to a number of preferential trade arrangements. Cambodia was not subject to the Multi Fibre Agreement (MFA) quotas, which restricted market access of competitors. The United States granted Cambodia Most-Favoured Nation status in 1997 and provided preferential access to its market under the US-Cambodia Textile and Apparel Trade Agreement (TATA), which was in effect from 1999 to 2004. Cambodia also benefited from the framework for cooperation with the EU under the Generalised System of Preferences (GSP) which came into effect in 1997. As part of GSP, the Everything but Arms (EBA) since 2001 gave Cambodia duty free access to EU markets. Combined with technical and vocational training, the availability of cheap labour and other resources, these preferential arrangements sheltered the industry and attracted foreign capital and facilitated expansion.⁶

TATA had a significant impact on the garments and textile industry as it sought to incentivise labour rights by stipulating that Cambodia could increase access to US market with substantial improvement in working conditions.⁷ It made way for the International Labour Organization (ILO) to monitor factories through an initiative that began in 2001 and developed into the Better Factories Cambodia (BFC) programme in 2005. Its significance may be seen from the fact that it has expanded to a number of countries since. The ILO monitoring arrangement worked both as a market strategy for Cambodia and as an ethical stamp for buyers. This may explain why it was renewed even after the quota regime came to an end (Oka, 2015).

The garments and textiles sector in Cambodia has been hugely dependent on the US and EU markets. The US accounted for 70 to 75% of Cambodian annual exports from 2001 to 2008 generating fears about what would happen in the post MFA phase when the country's exports would be subject to greater competition. Garment exports dropped 26% in the first quarter of 2009, with 50 factories closing and 60,000 workers laid off as a combination of factors, including changing sourcing patterns in the global garment industry and the global recession beginning in late 2008.⁸ However, Cambodia weathered the economic crisis. Its exports to the EU increased steeply in 2011 even as the quantity of exports to the US remained stable. EU went on to become Cambodia's biggest trading partner and by 2014 Cambodia also gained substantial markets for its garments and textiles in Japan and Canada.⁹ At present, CATU sources estimate that exports are in the region of 6 billion USD to the EU and 3 billion USD to the US.

About 95 per cent of exporting garment factories in Cambodia are owned by foreign investors.¹⁰ The largest investors are Taiwan which owns 25 per cent of foreign garment firms, followed by Hong Kong (19 per cent) and China (18 per cent).¹¹ Foreign ownership goes back to the emergence of the sector in 1994 as investors from Hong Kong, Taiwan, Malaysia and Singapore sought to take advantage of Cambodia's lack of quota restrictions to the US market.¹² The Cambodian garment industry suffers from a structural disadvantage as it involves largely 'Cut, Make, Trim' (CMT) activities or assembly factories.¹³ Nearly all raw materials are imported from mostly China, Taiwan, Hong Kong and the ASEAN Countries.¹⁴ The low levels of education of garment workers, the observed low productivity rate of workers and the scarcity of local owned industry has impeded the

⁶ Tang (2016)

⁷ Polaski (2006)

⁸ Arnold and Shih (2010)

⁹ Tang (2016: 76)

¹⁰ Oka (2015), Tang (2018)

¹¹ GMAC, 2010 cited in Tang (2018: 87)

¹² Oka (2015)

¹³ Roughly 60 % of activities were of the nature of CMT (Arnold and Shih, 2010)

¹⁴ Tang (2016)

industry's ability to transition to high technology and restricted it largely to value-added CMT activities.¹⁵

Production is organised as elsewhere under three distinct arrangements: in Special Economic Zones (SEZs) established with incentives such as profit-tax exemptions, in factories located in the cities, and through subcontracting. Factories are concentrated in Phnom Penh and Sihanoukville but also spread out in several smaller cities. A single large SEZ employs as many as 20,000 workers. Factories and subcontracting units may not be altogether independent of each other. There have been reports of workers being denied work in factories while work is shifted to subcontracting units where some of the same workers are invited to work at higher piece rates and where underage workers are employed.¹⁶

There has been steady growth of employment. In 2015, the garment factories in Cambodia employed 542,795 workers up from 200,861 in 2001 and the number of firms rose from 233 in 2001 and 666 in 2015 (GMAC, 2015 cited in Tang 2016). Turning to the export sector, which dominates the industry, by mid-2013, 412 exporting garment factories were in operation employing 394,262 workers.¹⁷ It is estimated that only about half the workers are employed directly by the industry, the remaining being employed through subcontracting arrangements.¹⁸ In Cambodia, as globally, women are overrepresented in the garment sector. According to a study by BFC, between 2016 and 2017 it was found that 85 per cent of workers in Cambodian garment factories were women. However, the majority of the women are in lower-ranking positions while men dominate upper-level positions. Supervisory positions are held by Chinese nationals in Chinese owned factories and includes women.¹⁹ According to a BFC study in 2018, only half of the workers received a primary school education, with a small portion receiving no formal education, and the rest had a lower secondary level education.²⁰

As workers are increasingly employed under fixed term contracts of three months, the terms of employment have become more and more insecure leading to greater vulnerability for workers. In response to deteriorating labour and human rights situation, the EU is considering withdrawal of the EBA. In February 2019, the European Commission pointed out that there was systematic harassment of independent trade unions and workers who exercised their right to strike. The political situation in Cambodia took a turn for the worse in 2017 when the opposition party which was slated to win the general election was disbanded. Duty-free exports under the EBA fuelled an export boom that saw Cambodia's exports grow by 630 per cent since 2008 and makes up 39 per cent of the country's total exports which had kept the economy growing at 7 per cent and reduced poverty. These achievements will be at risk if the EBA is withdrawn.²¹

Social Justice and Feminist Movements

Women have long partaken in Cambodia's political, economic and social development. The women's movement had early roots as part of the Cambodian nationalist movement in 1940-1950 but was affected by the political conflict that eviscerated the country for almost two decades until the 1991 political settlement.²² Leading up to the 1993 elections, women led grassroots movements aimed to

¹⁵ Tang (2016)

¹⁶ WIC, 2018

¹⁷ BFC 2013 cited in Oka (2015).

¹⁸ The Economic Institute of Cambodia estimated that direct production-related employment accounts for only 53% of employment generated (cited in Arnold and Shih, 2010).

¹⁹ Workers Information Centre (2018)

²⁰ Better Factories Cambodia (2018)

²¹ Russell (2019)

²² Action Aid (2016)

pull themselves “out of poverty and neglect.”²³ The women’s movement consisted of a small core group of teachers, students, development workers, and women who advocated for women’s rights. The women’s movement led the way in Cambodia ratifying CEDAW in 1992.²⁴ In the early 1990’s the first women’s NGOs were established, and subsequently there has been a continuous increase in the presence of local and international NGO’s focusing on gender and women’s rights. NGOs have allowed for a space to “address issues of social and political empowerment, illiteracy, trafficking, domestic violence, prostitution and HIV/AIDS.”²⁵

The women-focused NGOs have contributed to key areas of work and pushed for formulation of national laws to address domestic violence, human trafficking, and violence against women.²⁶ Since the ratification of CEDAW, issues of women’s rights and gender equality have been brought to the attention of the government. Gender equality is now included under the Rectangular Strategy for Growth, Employment, Equity, and Efficiency and the Ministry of Women’s Affairs formulates national strategies on gender equality.²⁷

Beginning in the 1990’s, women’s participation in the labour force has increased at a faster rate than men’s. This is directly related to the rise of the garment sector where 85 per cent of the employees are women. However, men still dominate leadership positions, and the labour movement is “essentially a women’s movement under male leadership.”²⁸ Lack of women in leadership positions, workplace discrimination, lack of gender-specific approaches and increased risk of violence to female activists are all obstacles to incorporating women’s rights into the labour movement.

A major social justice issue in Cambodia is the land rights movements. Forced evictions are one of Cambodia’s most frequent and common human rights violations. Women’s rights groups have taken the lead on the issue due to the disproportionate impact on women; however, significant barriers in accessing justice, use of violence and excessive force, and personal costs and increased workload were significant challenges to the movement.²⁹

Internal and Cross Border Migration

Mobility in Cambodia was drastically impacted by the period of Khmer Rouge (1975-1979). During the Pol Pot reign, cities were emptied as the population was forced to work in rural communes, in rice fields and development of infrastructure. There is no official data; however, estimates suggest that at least 35-40 per cent of the population was relocated from their place of origin. Following this period, there were two distinct waves of migration. The first wave occurred in 1979 after the collapse of the Pol Pot regime. Huge numbers of Cambodians left the country, with hundreds of thousands relocating to border camps in Thailand, or to France, North America, Australia, and New Zealand. The second wave occurred in 1993, when the population living in border camps returned to Cambodia.³⁰

There has been greater focus on international migration from Cambodia compared to internal migration. Deployment of Cambodians in foreign employment (migration through legal channels) increased from 2244 persons (899 men and 1345 women) in 2006 to 26,219 persons (15,563 men

²³ UN Women (2013)

²⁴ UN Women (2013)

²⁵ Action Aid (2016: 9)

²⁶ Action Aid (2016)

²⁷ UN Women (2013)

²⁸ Action Aid, (2016: 11)

²⁹ Action Aid (2016)

³⁰ Crassard (2008)

and 10,656 women) in 2011. Thailand is the biggest destination of Cambodian migrants and 60 per cent of these migrants are male. Of the other big destinations, migration to South Korea is dominated by men whereas migration to Malaysia is dominated by women who go as domestic workers.³¹ According to a survey conducted by the ILO and IOM in 2017, less than a third of Cambodian migrants use regular channels to migrate, with the majority relying on social networks and unlicensed brokers (53 per cent) to go abroad.³²

Owing to abuse of domestic workers, Cambodia suspended migration to Malaysia in 2011 and signed an MOU to resume deployment in 2015. Cambodia entered into an agreement to send 10,000 women as domestic workers to Kuwait and about 4,000 have left so far. Internal migration continues to be significantly greater than international migration. The National Institute of Statistics estimated in 2013 that about 4.1 million people are internal migrants whereas total international migrants were about 1.1 million in 2017.³³

Most internal migration is rural-rural, however, rural-urban migration is increasing and has led to rapid urban growth. The main migration destinations are Phnom Penh, followed by Battambang, Kampong Cham, and Siem Reap.³⁴ There are several factors influencing rural-urban migration. Educated citizens struggle to maximise the use of their skills in agrarian environments, as the country has been slow to develop post-civil war. Furthermore, land plots are often divided among children; this has resulted in smaller plots which may be unable to sustain livelihoods.³⁵ Cambodia is also at risk of consequences of climate change which will continue to increase rural-urban migration.

The National Institute of Statistics found that women comprised 49.6 per cent of all internal migrants and 57 per cent of all migrants to Phnom Penh. They outnumber men in the rural-urban migration streams and tend to migrate at a younger age compared to men.³⁶ Two-thirds of migrants to Phnom Penh were aged 20-34 years. Also migrants were more likely than non-migrants to be single and without children. They were also better educated than non-migrants as 41 per cent of migrants had completed secondary school compared to just over 32 per cent for non-migrants. When they are married, 90 per cent move with a spouse, and over 57 per cent with both a spouse and child.

In urban centres, to which they migrate in large numbers, women work as garment workers, small business owners, domestic workers, and entertainment and service workers. Men work predominantly as construction workers, drivers, business owners, and white-collar professionals. The informality and lack of contracts in most jobs leaves workers at risk for exploitative working conditions. Nevertheless, almost all migrant workers send remittances back to their homes. There are disparities between percentages of income remitted based on location, gender, and occupation; however even small amounts have substantial impacts on receiving households.³⁷

Trade Unions in the Garment Industry

The garment and textile industry in Cambodia is marked by the presence of multiple trade unions and many federations of trade unions but most of the trade unions and federations are aligned with the regime in power. The first independent and opposition-orientated textile and garment sector

³¹ Tunon and Rim, 2013

³² ILO, 2019

³³ UNESCO (2017)

³⁴ UNESCO (2017)

³⁵ UNESCO (2017)

³⁶ National Institute of Statistics 2013 cited in UNESCO (2017)

³⁷ UNESCO (2017)

union was formed in 1996, the Free Trade Union of Workers of the Kingdom of Cambodia (FTU). However, unions that are not affiliated to the Cambodian People's Party (CPP) have been stifled and the Cambodian Labour Code passed in 1996 has been flouted rampantly.³⁸ In 2008, there were 24 union federations in the sector for its 350,000 workers. In the same year, there were 440 active unions in 314 factories with a membership of roughly 60 per cent of the workers in the industry and roughly 84 per cent of factories had at least one union.³⁹

In 2019, there are more than 100 federations of trade unions but with the exception of CATU, all the federations are associated with political parties and / or aligned with the government. CATU was formed on 25 December 2011. Women played an important role in forming CATU and its council comprises 60 per cent women. A special effort was made by women leaders who recognised the need for women leadership at the local level. CATU represents between 16,000 and 17,000 workers.

However, despite high union membership, the rift between pro-government union federations and pro-opposition/independent union federations has meant basic rights of workers have been steadily compromised. It is alleged that pro-government unions 'buy off members with phones and money so workers switch or join (their unions)'.⁴⁰ Co-option by dominant political forces and political brinkmanship has led to a steady erosion of the strength of independent unions. Whereas 'government-supported unions often threaten or actually go on strike at the factory-level, they rarely lead or participate in sector-wide rallies and demonstrations demanding wage increases'.⁴¹ In this context, 'the proliferation of unions and federations is associated with the rise of unions as businesses. Running a union can be lucrative as corrupt unions can seek kick-backs from employers and "fundraise" in other ways'.⁴² One of the most damaging implications of the co-option of unions is the systematic undermining of rights of workers. This is most visible since 2005 in the shift to the use of a daily or short-term labour on a regular basis by employers because these workers are too weak to bargain either on their own or as union members.⁴³

The independent unions have worked through alliances as part of international networks to uphold workers' rights and have brought visibility to the exploitation of workers in Cambodia. It is understood that working conditions can improve substantially when reputation conscious buyers engage closely with suppliers.⁴⁴ Through international alliances, independent unions had sought to engage with buyers and use their agency to bring pressure on employers to improve working condition. They have sought through these alliances to hold major brands and retailers accountable for violations of labour standards by suppliers. In one instance, worker representatives sought the intervention of brands when they found that work was being shifted out of factories that were supplying to these brands to subcontracted units while workers were denied work under an agreement to pay 50 per cent of wages during these layoffs.⁴⁵

Buyers contributed to some innovative initiatives such as a phone-in radio programme conducted by the Women's Media Centre in Phnom Penh which mobilised people in the administration and employers in their studios to answer questions posed by women garment workers. These media programmes were funded within the framework of the Everything but Arms (EBA) agreement with the EU. However, there has been disappointment with the outcomes of buyer driven regulation and

³⁸ Arnold and Shih (2010), Workers Information Centre (2018)

³⁹ ILO cited in Arnold and Shih (2010)

⁴⁰ The President of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU) cited in Oka (2015).

⁴¹ Oka (2015).

⁴² Arnold and Shih (2010:416)

⁴³ Arnold and Shih (2010: 416).

⁴⁴ Oka (2015).

⁴⁵ Workers Information Centre (2018)

a renewed emphasis on workers' organisation as the key to improve labour conditions in global supply chains as studies show that developing independent labour organisations at the local level could be crucial to counter the power of big corporations and to improve the lives of workers.⁴⁶

A landmark event was the mass strikes and demonstrations that stretched over 2013 seeking higher wages. In December 2013, the government agreed to a small increase. This led to disappointment and a national strike was called. A thousand workers were on the streets for two weeks. In a major crackdown on 3 January 2014, five workers were killed, 49 were injured and 23 arrested. Following this, however, the government yielded to the demands of unions and promised a higher increase in minimum wages on an annual basis. A labour advocacy committee was set up to negotiate annual increases in wages and since 2014, there have been sizeable increases every year ranging from 10 to 20 per cent. The minimum wage was USD 56 per month in 2009 and it was subject to increase only every four years. After the introduction of the annual increases it has gone up from USD 140 in 2016 to USD 170 in 2018 and USD 185 in 2019.

Notably, these gains pertain only to wages. Even these hard-earned gains of workers are undercut by manoeuvring on the factory floor, which extracts labour by reducing the number of workers who must produce a particular target, forced overtime that is not paid according to rules and systematic weakening of employment security of workers. Workers are at risk of losing even the limited actual gains if the EBA is withdrawn and they lose jobs.

Space for organising workers into unions that are independent of political affiliation is fast shrinking as employers target union leaders working in their factories and dismiss them. There have been attempts to weaken trade unions legally. The adoption of the new trade union law in 2016 makes it much more difficult for independent unions to operate. Registration of unions has become more difficult and there are arbitrary requirements. Unions now require additional registration to take up collective cases. For complaints against employers, there were two processes, one for collective cases and one for individual complaints. The former must go through the Ministry of Labour which processes them and sends them to the arbitration council and from there if the decision is not accepted by any party, it may be taken to the court or taking industrial action. In the case of individual complaints, they go directly from the Ministry of Labour to the courts. Though a large number of cases do go to the arbitration council, the parties are not under mandate to accept the award of the arbitration council. Therefore, employers may refuse to accept the outcome if it goes against them. The 2016 adoption makes it more difficult for trade unions to operate because only most representative status (MRS) union or 30 percent of workers thumbprint that would able to bring the case to ministry of labour and requires that strikes may be called only after complaints are taken to the arbitration council. This causes great delays as cases get stuck at the Ministry of Labour as ministry always convey the case in to indivual case specially the case that fire union leaders.

Rationale for the Study

The garments and textile industry has grown rapidly since the first factories were established in 1994 and is among the largest employers of workers in the country. The study was conducted at a critical juncture when the framework of the EBA with the EU was under reconsideration. The geopolitical situation is changing rapidly as China has stepped up involvement in Cambodia, which has strategic importance in the Belt and Road initiative whereas the EU, which has been so critical for Cambodian exports, insists on democratic and human rights targets being met for continuing with the EBA. The industry holds a huge significance for women as about 85 per cent of the estimated over one million

⁴⁶ Oka (2015)

workers are women and mostly young women migrants from rural areas. Employment affects women in a dual sense of their ability practically to provide for their families and for the scope it provides to develop their own capabilities and to claim their rights as equal citizens within Cambodia's patriarchal society.

As pointed out, the industry occupies a central place in Cambodia's export-oriented industrialisation process and generates substantial revenues, significantly more than any other sector. It is also the site of the innovative BFC initiative and at least on the surface, has not lacked in terms of associational freedom for workers as it has sustained multiple trade unions. Yet garment workers face stiff challenges at present, perhaps more so than ever before, in achieving employment security and safe working conditions. The political context in Cambodia is becoming less conducive to independent workers' organisations. Manipulations by factory owners and managers have led to shrinking of space for independent unions and have called into question the potential for workers to bargain effectively with employers. This will have serious effects on workers' ability to maintain and improve their living standards.

Research Methodology and Processes

We used Feminist Participatory Action Research as a methodology and an approach to conduct the study. Starting with a mini workshop with 20 CATU union leaders consisting of 8 women and 12 men, we shared the research plan and purpose, and also to understand the aspects of feminist research. This research focuses on members of CATU. To understand more about women workers' issues in the context of feminist research, we included a session to discuss feminism, gender issues and patriarchy to engage participants and to understand the unjust system which exists in our society. Besides the discussion on feminism and patriarchy, workers were encouraged to have discussion on the broader internal migration issue of Cambodian women garment workers. As we went on with discussion, we were able to find some topics that can be included in our research such as living wage, forced labour, gender discrimination, living condition of women garment workers after some years after migrating to the city for garment work.

After the first mini FPAR workshop, three meetings followed with selected potential women union leaders to discuss in depth our research process and to collaboratively develop a questionnaire. At the first meeting, our planned research process was shared with all women union leaders taking part in the process and we decided on our target group to focus more on women garment workers who migrated from rural area to find job and work in Phnom Penh and outside Phnom Penh.

After deciding on the process, the meeting started to review the issues that we discussed during the mini workshop in April and to gain more understanding of the issues and drafting the questionnaire for the research. CATU programme coordinator was responsible for drafting the research questionnaire and proposed a second meeting to review and add more ideas to the questionnaire.

Section one of the questionnaire focused on the information of interviewees; the second section on current working conditions; the third focused on their family situation; and the final on their migration experience. The meeting also included information about forced labour, job discrimination, and more questions about the current working conditions. The third meeting was held to approve the final questionnaire, develop ethical guidelines for the interviewers, and divide areas of responsibility of the interviewers.

CATU set up a core group to interview workers. Members of the core group had to approach workers at their living area and workplace. To answer the questionnaire, workers had to take around 35 minutes.

Through this collaborative process, we agreed to set our research objectives and research participants as follows:

Research Objective

- To understand the situation of women garment workers who migrated from rural area to cities.
- To understand the needs and priorities of women garment workers to improve their mobility and migration.
- To build capacity for women garment workers to document their own issues.

Research Participants Composition

To understand the situation for women internal migrant workers, CATU conducted interviews with 120 workers and focus group discussions with 60 workers from six factories: Roo Hsing Garment, Cambo Handsome, Cambo Kotop, Bowker Garment Factory, Yi Da Apparel, and Can Sport Shoes.

The following are the results and analysis from our interviews and focus group discussion:

Findings and Analysis

Employment in the garment sector has generated migration to the urban centres from rural communities or provinces. Workers migrate to Phnom Penh in search of jobs in the garment factories mostly with the help of their relatives, neighbours and other acquaintances but to other provinces they go through recruitment agencies. Factories in these places organise middlemen to recruit workers. Young women are in demand and are not required to pay anything for recruitment but older women may pay anything between 50 and 100 USD to recruitment agents to get them a job in the garment factories. Not surprisingly there is a predominance of young women among migrant women in search of jobs in Cambodia. In the sample for this study 51 per cent of the women were between 19 and 30 years of age, followed by women between 31 and 40 years who were 39 per cent. Only 10 per cent were over 40 years.

Workers may pay middlemen to arrange for jobs and transportation, which may lead to debt, thereby reducing workers' bargaining power in the face of inadequate working conditions. Garment factories are also known to enforce long hours, mandatory unpaid overtime, late or reduced wages; there is normalised harassment in the workplace, and intimidation and abuse of union representatives.⁴⁷ The practice of paying recruitment fees was pervasive earlier and served to keep women in debt bondage.⁴⁸ Notably, child labour is believed to be practiced but is not reflected in this study owing to the nature of the sample.⁴⁹

Most of the interviewees were married (69 per cent) and of the married women, 70 per cent had children. Of the total sample, about half of the women had children. Of the women with children, 64 per cent had one child, 22 per cent had two children and 14 per cent had three children. Garment workers may choose to leave their children in their provinces in order to save on expenses in the city

⁴⁷ Kolben (2014)

⁴⁸ Pastor 2005 cited in Arnold and Shih (2010: 406)

⁴⁹ Polaski, 2004 cited in Oka (2015), Workers Information Centre (2018).

and also to put in more hours of work. But because schools are better in cities like Phnom Penh, they may enrol children in these schools when they work in the city. Only 16 per cent of workers reported that they had some savings from their earnings in garment factories and while 22 per cent did not respond to this question, and 62 per cent said they were in debt.

The vast majority (90 per cent) of women confirmed that they had taken loans from microfinance agencies for reasons ranging from paying for medical costs, house improvements, buying motorcycles, and other family matters. Of the sample, 58 per cent had taken loans for housing and to buy a vehicle, 35 per cent for medical and livelihood expenses, and 7 per cent for farming and business. Our research found that workers must send approximately 30-50 per cent of their wages to their families to help pay for loans and to support family members at their home village. With debt to pay off and families to support, garment workers are shorn of the possibility of saving. Most of the workers reported that they were left with only 50 to 60 USD to spend on food which is not enough even to provide them with adequate nutrition. They share rooms of 4sq. m. with two-three people to save money as rental prices in the city near the factory increase every year. Consequently, women garment workers live in poverty. They face a number of health problems because they do not have access to adequate nutrition and hygiene. They must work overtime and push themselves to meet production targets to increase their earnings in order to survive and support their families.

Gaps between Expectations and Reality

“My expectation was to find money to support my family. Firstly, I don’t know a nything about the society in the city.”

“I was disappointed. We got low salary. I came to Phnom Penh to get more money but it wasn’t like that.”

Job Security

In the last decade, there has been an increased tendency in the textile industry in Cambodia to employ workers on Fixed Duration Contracts (FDC) which are short-term fixed employment contracts that at the end of the contract may be renewed but give the employers the option of not doing so if they for some reason do not wish to continue to employ the worker. Under the labour law, workers may be on FDCs during the first two years of employment but must be given unspecified or unlimited duration employment contracts (UDC) thereafter. Employers and the Ministry of Labour have interpreted the law differently and so employers are increasingly using FDCs. From the 120 workers interviewed for this study there were 76 workers (63%) on UDC and 44 (37%) on FDC. But this is only because the study was conducted among CATU members and is not a reflection of the larger reality among garment workers in Cambodia. CATU has been struggling against the increasing resort to FDC by employers and many of the CATU members have won their cases and been able to maintain UDC. Being on a UDC makes it easier for workers to join independent unions or to form unions in factories. There are restrictions on termination and if workers are terminated, they receive higher benefits than if they are on FDCs. Women workers confirmed that employment on short-term contracts means that it is easy for them to lose their job as the employer can simply not renew the contract. With short-term contracts, women workers also lose their seniority in the factory, affecting the receipt of benefits such as maternity leave, annual leave and severance pay. Most factories have workers who receive monthly salaries; only a few are employed on piece rate. In the sample of 120, not more than 10 were employed on piece rate.

Previous research found that the tenure of the FDC has become shorter since the onset of the global recession in 2008, generally from six to three months. The research quotes an independent trade union (CCAWDU) representative who stated in an interview (June 2007) that from 2001 to 2005, a

majority of workers in registered textile and garment factories were UDC workers with associated benefits, such as sick leave and maternity leave, regular wages, holidays and the like.⁵⁰ The systematic shift to FDCs has been made possible by the complicity of trade unions aligned with the government and with the factory management. These trade unions encourage workers to be on FDCs. The severance pay of 5 % of total pay at the end of the contract is used to attract workers to FDCs as workers are strapped for cash. In this process workers are misled into thinking that FDCs are beneficial for them whereas in practice they deprive them of job security, bargaining power and welfare entitlements.

Another strategy is used by employers to shift workers to FDCs. Employers close down factories where workers are on UDCs and open new factories under new identities where they employ workers on FDCs. All new recruits are under FDCs. Workers employed on FDCs are under pressure implicitly to comply with the dictates of the management. The finding from interviews and FGDs that the situation has been deteriorating is substantiated in a study of sourcing factories for the retail giant H & M in 2018 which found that a vast majority (85%) of respondents had labour contracts that were valid for only three to six months.⁵¹ A previous study in 2016 found more workers had UDCs. The study in 2018 also found that though Cambodian law allows any fixed term contract in the first two years of service, two thirds of respondents with short-term contracts have been employed for two or more years in the factory. Therefore, workers were being denied unlimited duration contracts even after the stipulated period of time and / or were not staking a claim to them on account of lack of awareness about the full implications of FDCs.

Workload

After the mass struggle of garment workers for higher wages in 2013 and the mass demonstrations in early 2014 which led to an agreement to revise the minimum wages annually, salaries for workers in the garment and footwear industries have increased regularly. This should be a good situation for workers, but at the same time, workload has been increased in tandem. After the increases in wage rates, factory managements have resorted to reducing the number of workers in a production unit or production line that is responsible for achieving a fixed target while the target remains the same. Thus the same target must now be met by a smaller number of workers. Women workers are particularly vulnerable to increased workloads as they are targeted by supervisors who may be reluctant to take on male workers because of gender power relations.

“Wage is the same (between men and women) but work is different. Women work more than men. The Chinese supervisors are afraid to ask male workers to do (hard) job. [They are] always pushing female workers to do more.” (a local union leader who participated in the mini-FPAR workshop in April 2018).

Women workers face warnings and threats to terminate their contracts if they cannot reach the target set by management. Some workers are forced to skip going to the toilet and drinking water. In this situation, workers confirm that they feel more and more pressure at work. They have to give up the time they spend with their family and children and are not in a position to take leave.

Overtime work is supposed to be voluntary under the law but workers on FDCs may come under pressure to do overtime as there is always an implicit threat of losing their jobs. According to the law, workers are allowed to do only two hours of overtime a day but in practice workers in some

⁵⁰ Arnold and Shih (2010)

⁵¹ Clean Clothes Campaign (2019). The study was undertaken by Clean Clothes Campaign in two of the four factories studied by it in 2016 to check whether there were improvements in the situation. The first study sought to understand what workers were making in some of those supplier factories, and how close that was to a living wage in view of the commitment made by H&M to ensure that workers in their sourcing factories would receive a living wage by 2018.

factories do three to four hours of overtime. Overtime pay is supposed to be 150% of the wages but workers are not always paid the full extent. The Clean Clothes Campaign study found that though overtime is supposed to be exceptional and undertaken in times of urgency, it is a regular practice.⁵²

Wages

Despite the significant improvement in the minimum wages that since 2014, wages continue to be a major concern for garment workers because of inflation. Workers said that they are unable to make ends meet with the salaries they earn. The purchasing power of garment workers in Cambodia is low compared to neighbouring countries such as Thailand, Vietnam, and Laos. Living costs in Cambodia are continually rising. Women workers in the garment and footwear industries are often the main breadwinner in their families after they migrate from their home villages to work in urban areas. The CCC study of 2016 reported an average wage of 173 USD without overtime and this had gone up by 29% in 2018 due to mainly the increase in the statutory minimum wage by 21% from 140 USD in 2016 to 170 USD in 2018.⁵³ Prior to 2016, the real minimum wage (as an inflation-adjusted nominal minimum wage) showed a much smaller increase which means that the minimum wage barely compensated for inflation.⁵⁴

With the current wage of 182 USD per month workers in our study reported that there has been no marked improvement in their living conditions. When asked how they use their salary, they said 25% of their salary is spent on room rental and utility, 30% on food, 35% is sent to the family to pay debt or spend at home, and 10% for clothes, social events and transport. The Clean Clothes Campaign underlines the need to earn a living wage in a standard working week to allow the garment worker and her/his family to cover basic needs: nutritious food, housing, healthcare, clothing, transportation and education, plus 10% discretionary income for savings, or protection in case of the unexpected.⁵⁵ This is what workers had to say:

“Living costs increase but workers’ salary doesn’t increase [accordingly]. So the profit goes to employer. With \$50, we could get 3 packs of rice. Now, we cannot get 3 packets of rice. This is due to inflation. Also, inequality and injustice play a role. So we should work and fight to get our rights. Because investors get richer and richer but we workers are the same. (a research participant during the mini FPAR workshop)

“In 1990s, wages were around \$50. Now our wage is much higher and nearly 200\$. But it’s not enough. Markets change. And we spend a lot for rent, inflation also.”

“We work 10 hours from 7 am to 6 pm with one-hour lunch break. We don’t get enough wage. We pay for children’s school fees, and use only for basic consumption.”

Social Security

Healthcare costs are continually rising in Cambodia, making it more and more difficult for ordinary people to access healthcare and treatment services. The National Social Security Fund was founded in 2008 and since 2009 workers have received work accident insurance. Since 2016, they have received health insurance, meaning that workers are not required to pay for healthcare anymore as long as they are employed. However, the insurance provides cover only for the worker and not for

⁵² Clean Clothes Campaign (2018)

⁵³ Clean Clothes Campaign (2018)

⁵⁴ ILO cited in Clean Clothes Campaign (2018)

⁵⁵ Clean Clothes Campaign (2018)

their family. This is a major concern of women workers. In interviews and FGDs workers said that their salary is sufficient only for their monthly expenses and if a family member was to get sick or suffer an accident, they were forced to sell any property they may have – otherwise they would need to loan from other people. Microfinance agencies demand collateral and workers are only able to borrow money from individuals with 5 to 10 times higher interest rates than microfinance institutions.

Even though the National Education Policy provides for free enrolment in primary school and high school, there is corruption which means that students must still pay a lot of money. As a result, Cambodian workers have to work very hard to be able to send their children or siblings to school. The drop-out rate for students prior to entering high school is at approximately 20-23 per cent.

Health and Safety Issues

Mass fainting is a major concern of garment and footwear workers, especially during the hot season in which hundreds of women workers faint while working at the factory. Factories in Cambodia still do not comply with health and safety standards, having high temperatures and levels of dust. Some of the garment and footwear products contain a lot of chemicals with strong smells. Poor health conditions make women workers particularly vulnerable to fainting in the factory.

The study of workers in H & M sourcing factories found that two-thirds of respondents had fainted at work and all workers have had to receive glucose drips because of dehydration and concluded that the health of workers seems to have worsened compared to 2016. The BFC too has documented incidents of mass fainting in the sector. In 2012, 1,973 workers in 12 factories were affected indicating persistent problems with safety and health.⁵⁶ BFC notes that fainting is likely to be caused by a combination of heat stress, chemical exposures, noise, inadequate hygiene and nutrition as well as excessive overtime. Notably, though workers have achieved a major revision of minimum wage setting procedure, their struggles rarely centre on occupational safety and health issues. Oka pointed out that 'factory managers talked about increasing benefits and holidays as a way to keep workers happy, but none of them mentioned improving safety and health was important to appease workers'.⁵⁷ She also noted that factory managers said that workers themselves are negligent of certain safety and health issues as they are reluctant to use protective equipment and needle guards as they slow down work and reduce piece rate. The qualitative evidence in her study illustrated how management sought to placate workers by providing extra cash and leave beyond legal requirements but not by improving safety and health.

A number of workers go home to their villages daily using transportation in open trucks. These trucks are overcrowded and accidents have led to loss of life. At the end of July 2019, three workers died and 60 were injured in an accident as workers were being transported. Hygiene too is a problem for women workers. Most of the workers in the interviews and FGDs had confirmed that there are not enough toilets. Women workers don't have clean water for use in the toilets which is a major concern for them. Some workers still rent rooms with shared toilets and bathrooms with many other workers in the area which they feel are not really clean or safe for them.⁵⁸

Sexual Harassment and Violence at Workplace

Sexual harassment and violence still occur in the factory and also at workers' homes. There are cases of harassment from male workers who are sewing machine mechanics. These male workers engage in improper touching of women but women are afraid to complain because these workers are the

⁵⁶ BFC, 2012 cited in Oka (2015: 19)

⁵⁷ Oka (2015)

⁵⁸ A study by the Workers Information Centre (2017) documents the poor and even hazardous living conditions of workers near the factory sites.

ones who repair their machines and if they delay repairs it would prevent the women from achieving their targets. Workers receive incentives on reaching the production target and are averse to risking this benefit by complaining about sexual harassment. Further, if they do not reach the production target, women fear that they will face warnings or threats of termination from the manager.

When workers did not reach production targets, sometimes Chinese managers throw bundles of clothes, shoes, or other tools at workers. Shouting and verbal abuse are a constant occurrence in most of the factories. Workers confirm that there is too much pressure on them and that it is a form of violence. Verbal violence is by far the most common form of violence in Cambodian garment and footwear factories. Local union leaders report that this violence is often targeted at union members of both genders, because they are members of independent trade unions.

Sexual harassment was reported to be an important concern of workers who reside close to the factories and who walk to their homes. Along the way from factory to their homes, women workers are afraid that they may face harassment or possibly rape. Some workers confirmed that groups of men used vulgar body language towards them, or they have been followed by groups of young men.

Understanding of Safe and Fair Migration

The circumstances in which women migrate to the urban centres for work in garment factories generate vulnerability for these workers and their families. This is because migrant workers lack livelihood opportunities in their home provinces and are pushed into debt in order to survive. Further, a section of workers, especially older women, is forced to pay large sums of money to recruiters in order to gain access to jobs in garment factories. These factors generate vulnerability because they divest workers of bargaining power and allow employers to extract labour in unjust ways. In circumstances of poverty, workers are also misled by employers and unions who act in complicity with employers to accept FDCs because it gives them a severance pay at the end of the contract duration. By doing so however, they forgo several welfare benefits attached to UDCs and their employment is rendered insecure.

At our focus group discussions, we found that most workers find that there has not been much change in their living conditions since migrating from their villages. Only now, they are living far away from their families and they are still working very hard and long hours. They rarely take leave to visit their families. Most workers visit their families only during Khmer New Year and Pchum Ben Ceremony as they are the big national holidays. Some of them feel that they are not able to take care of their children as they have to leave their children with their parents a few months after giving birth. Some workers must bring their children along to live with them at their small rented room in the city, but this means that workers have to work even harder to save money to be able to hire another person to take care of their children during working hours.

Workers realise that there are government policies and programmes for international migrant workers, but they are not sure if there are for internal migrant workers. This matter is not widely discussed among workers before or after migration. The lack of safety in migration is the fallout of a vicious cycle of poverty, lack of education and low skill levels, the lack of alternate employment opportunities as well as the specific vulnerabilities of women workers and the responsibilities of women to provide for their families. These factors not only push women to seek migrant jobs but also undermine their potential to organise independently and claim their rights.

Recommendations by Women Workers

A demand for change that came from the mini-FPAR workshop in April 2018:

“We are more than 30 years of age, so when we stop we can’t find another work in another factory. We want factories to pay for pension.”

- **Guarantee pension payment for the workers**

‘There are some factories in the province. They don’t accept workers older than 35.’

- **Eliminate age restrictions to work in the garment factory**

Recommendations

1. Generation of employment opportunities at the source provinces in order to make migration a choice rather than a compulsion.
2. Information dissemination at the level of the provinces through media outreach programmes such as those that were conducted by the WMC but have stopped owing to lack of funds. These programmes could focus on employment opportunities in garment factories so as to prevent exploitation by middlemen and also build awareness about entitlements.
3. Comprehensive skills training programmes for women aspiring migrants which may be conducted in association with trade unions and NGOs working on gender issues. These training programmes must incorporate awareness raising about workers’ rights. They may be supported by reputation-conscious suppliers and government.
4. Special components in training programmes for older women who are currently discriminated against owing to the perception that they are less productive.
5. Formulate awareness and training programmes for factory supervisors and management regarding the law and the need for compliance with safety issues. These programmes must also focus on sexual harassment.
6. Hold employers accountable for evasion of the law especially the promotion of FDCs and for other practices like not providing adequate work in factories as well as safety and hygiene.
7. Campaign by trade unions in association with reputation-conscious suppliers to seek government intervention with employers to improve issues of occupational health and safety.
8. Support for women to complain against sexual harassment on the factory floors.
9. Support for women to approach the police to complain of sexual harassment in public places such as on their way back home from the factories.

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