BUILDING UNIONS IN CAMBODIA
History, Challenges, Strategies

Veasna Nuon and Melisa Serrano

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Foreword

A strong democracy needs strong unions. A union's ability to represent workers' interests is a fundamental democratic right. For a significant portion of the population, this provides the ability to contribute to shaping the economic, social and political development, particularly in terms of humane work and social justice. With these convictions, the Friedrich-Ebert-Stiftung cooperates with labour unions worldwide to ensure that workers interests and positions are represented and included in political and economic decision-making processes at the national, regional and global level.

We strongly believe: Without unions there is no social democracy!

The Friedrich-Ebert-Stiftung (FES) is a German private non-profit organisation committed to the ideas and values of social democracy. With over 100 offices around the world, FES aims to contribute to enhancing the political, economic and social conditions, and facilitating the cooperation between stakeholders and states. Globalisation and social justice as well as security and peace are the guiding themes of FES' international work.

FES has started its engagement in Cambodia in 1994. Its programme supports Cambodia's regional integration as well as the capacity building of relevant stakeholders and decision makers from the public sector, politics, academia, trade unions and civil society. Regular activities of FES' work in Cambodia include seminars on national and foreign relations, social dialogues and educational trainings on labour-related

issues. Promoting the role of trade unions is one of the core pillars of the FES programme in Cambodia.

The young Cambodian labour movement has emerged from a society torn by decades of civil war, which formally ended after the first parliamentary election in 1993. A transformation process began that saw Cambodia gradually turning from a socialist state model into a liberal system with democratic institutions and an open market economy. This process also laid the foundation for the Cambodian trade union movement of today. Despite the difficult starting years, trade unions have been playing a crucial role in advocating for decent wages, better working conditions and respect for workers' rights and freedom of association over the last ten years. Yet, Cambodia's trade union movement is still in its infancy and faces many obstacles and challenges.

As of date, no research has ever been conducted to capture Cambodia's trade union landscape in a systematic and comprehensive manner. Hence, we are thankful that the authors of this book, Melisa Serrano and Nuon Veasna, who have taken up this demanding task of laying the groundwork to critically review the labour movement's young past and put it into Cambodia's current context. Their empirical work is based on a thorough literature analysis, and meticulous surveys and interviews with hundreds of informants. The results broadly mirror the current state of play of the Cambodian industrial relations and trade unions, as well as their weaknesses and strengths. The book does not only fill the existing knowledge gap in Cambodian unionism. It also provides forward-looking perspectives and valuable entry points for unions to consolidate, professionalise and generate intervention strategies in the interest of the workers.

This book comes at just the right time. The recent global economic crisis has taken a hard hit on Cambodia, reversing its stunning economic growth over the past several years. Workers and their families were severely affected. In times of economic crisis and its aftermath, attention needs to be paid not only to preserving jobs, but also to upholding decent wages, working conditions and livelihood. This clearly calls for

a strong, professional and united labour movement. This book lays an important foundation to support the efforts of Cambodian trade unions to respond to this call.

In solidarity,
Dr. Stefanie Elies
Director
Friedrich-Ebert-Stiftung
Office for Regional Cooperation in Asia

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Acronyms

AAFLI	Asian American Free Labor Institute
AC	Arbitration Council
ACILS	American Center for International Labor Solidarity
AFL-CIO	American Federation of Labor-Congress of Industrial Organizations
APSARA	Authority for the Protection and Management of Angkor and the Region of Siem Reap
BFC	Better Factories Cambodia
BWI	Building and Wood Workers International
BWTUC	Building and Wood Workers Trade Union Federation of Cambodia
C.CAWDU	Coalition of Cambodian Apparel Worker Democratic Unions
CAC	Cambodian Asian Confederation
CAID	Cambodian Association for Informal Economy Development
CAMFEBA	Cambodian Federation of Employers and Business Associations
CBA	Collective Bargaining Agreement
CCTU	Cambodia Confederation of Trade Unions
CCTUF	Cambodia Construction Trade Union Federation
CCU	Cambodian Confederation of Unions
CCWR	Cambodian Confederation for Worker Rights
CFITU	Cambodian Federation of Independent Trade Unions

CFSWF	Cambodian Food and Service Workers Federation
CFTU	Cambodian Federation of Trade Unions
CFWR	Cambodian Federation for Workers' Rights
CFWU	Cambodia Federation Voices of Worker Union
CIC	Cambodia Inheritance Confederation
CICA	Cambodian Independent Civil-Servant Association
CIDS	Cambodian Institute for Development Studies
CIFUF	Cambodian Industrial Food Union Federation
CITA	Cambodian Independent Teachers' Association
CIUF	Cambodian Industrial Union Federation
CLAFU	Construction Labor Federation Union of Cambodia
CLC	Cambodian Labour Confederation
CLEC	Community Legal Education Center
CLO	Cambodian Labour Organisation
CLUF	Cambodian Labour Union Federation
CNC	Cambodian National Labour Confederation
CNMWD	Network Men Women Development Cambodia
COLA	Cost Of Living Allowance
COMECON	Council for Mutual Economic Assistance
CPP	Cambodian People's Party
CTSWF	Cambodian Tourism and Service Workers' Federation
CUF	Cambodian Union Federation
CUMW	Coalition Union of Movement of Khmer Workers
CUNIC	Confederation of Union National Independence Cambodia
CWLFU	Cambodian Workers' Labor Federation Union
DISUF	Democratic Independent Solidarity Union Federation
DK	Democratic Kampuchea
DTFU	Dhama Thipatay Federation Union
EBA	Everything But Not Arms
EI	Education International
EU	European Union

FAPD	Farmers Association for Peace and Development
FBWW	Federation of Building and Wood Workers
FES	Friedrich-Ebert-Stiftung
FTUWKC	Free Trade Union of Workers of the Kingdom of Cambodia
FUDWR	Federation Union of Development Workers' Rights
FUF	Free Union Federation of Khmer Labour
FUKDW	Federation Union of Khmer Democracy Workers
FUNCINPEC	National United Front for an Independent, National, Peaceful and Cooperative Cambodia
FUS	Federation Union Solidarity
GDP	Gross Domestic Product
GMAC	Garment Manufacturers' Association in Cambodia
GSP	Generalized System of Preference
GUFs	Global Union Federations
ICFTU-APRO	International Confederation of Free Trade Union-Asia and Pacific Regional Office
IDEA	Independent Democratic of Informal Economic Association
ILO	International Labour Organisation
ILO-WEP	International Labour Organisation-Workers' Education Project
ITGLWF	International Textile, Garments, Leather Workers' Federation
ITUC-AP	International Trade Union Confederation-Asia and Pacific
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
KNP	Khmer National Party
KNUFNS	Khmer National United Front for National Salvation
KOCTA	Khmer Occupational Citizenship and Transportation Association
KPRP	Kampuchean People's Revolutionary Party

KYFTU	Khmer Youth Federation of Trade Unions
LAC	Labour Advisory Committee
LDUF	Labour Development Union Federation
LO/FTF	Danish Trade Union Council for International Development Cooperation
LPU	Labor Program Unit
MFN	Most Favored Nation
MoLVT	Ministry of Labour and Vocational Training
MOSALVY	Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation
MRS	Most Representative Status
NACC	National Union Alliance Chamber of Cambodia
NEAD	National Educators' Association for Development
NIFTUC	National Independent Federation Textile Union of Cambodia
NPC	National Project Committee
NSSF	National Social Security Fund
NUCW	National Union Federation Cambodia Workers
ODA	Official Development Aid
OHS	Occupational Health and Safety
PRK	Peoples' Republic of Kampuchea
PWUF	Prosperous of Workers Union Federation
RS	Representative Status
SOC	State of Cambodia
SPSS	Statistical Package for the Social Sciences
TAC	Teachers Association of Cambodia
TGaFe	Textile and Garment Workers' Federation of Cambodia
TUCC	Trade Union Federation for Cooperation of Cambodia
TUFDLW	Cambodian Union Federation Democracy Lucky Workers
TUFIKEL	Trade Union Federation for Increasing Khmer Employees Lifestyle

TUWFPD	Trade Union Workers' Federation of Process Democracy
TWARO	Asian and Pacific Regional Organisation of the International Textile, Garment and Leather Workers' Federation
UFID	Union Federation of Independent and Democratic
UFK	Union Federation of Kampuchea
UN	United Nations
UNHCR	United Nations High Commissioner for Human Rights in Cambodia
UNTAC	United Nationals Transitional Authority in Cambodia
USAID	United States Agency for International Development
USWUF	United Struggle for Women Union Federation
VKYUF	Voice of Khmer Youth Trade Union Federation
WFUF	Worker Freedom Union Federation
WMF	World Monument Fund
WoFiCi	Workers' Federation in Construction Industry of Cambodia
WUF	Workers' Union Federation

Introduction

In the early 1990s, the wind of change also swept then Communist Cambodia. Like its counterparts in Eastern Europe, the shift to a market economy was accompanied by massive economic restructuring that saw Cambodia being hooked up in international trade, particularly with the US through the Cambodia-US bilateral trade agreement in 1999, and to a lesser extent the European Union (EU) with the EU preferential treatment for export.

The 1993 Constitution paved the way for the first elections in the country. In 1997, the Labour Code was promulgated creating the legal landscape for the exercise of freedom of association and right to collective bargaining. Consequently, a multiplicity of unions emerged characterised by a mix of unions with close ties with major political parties and those that seek to establish themselves as independent organisations. The trade union situation is somewhat in a state of flux with new centres being formed frequently by those breaking away from existing ones.

To date a very small percentage of workers is organised into unions or associations, estimated at about one percent of the total workforce. The vast majority of organised workers are found in the garments industry where about 60 per cent of workers are unionised. Sectors where unionisation is on the rise include building and construction, transport,

hotel and tourism, and rubber plantation workers. Civil servants and informal economy workers are not allowed to organise into unions but can form associations. At the moment, a very small percentage of them are organised, thus making little change. Organising is also missing in a number of key potential sectors like health care, transportation, telecommunication, banking and office work.

There are also a number of non-government organisations (NGOs) working on workers' rights issues. These NGOs mainly provide various capability-building training programs, advocate for good regulations, and convene consultations among stakeholders. Political parties are also involved in the labour movement. The opposition party was among the organisers of the 1998 mass labour demonstration of garments workers demanding pay raise, good working conditions and respect of workers' right of freedom of association. The ruling party also provides support to many of the unions.

As a young labour movement, many obstacles, challenges and problems have emerged among the trade unions. These include limited human and financial resources, strong political influence by political parties, gender inequality, poor organisational experience, lack of strategies and visions, personal interest, and little intellectual labour support, among others.

In October 1998, the International Labour Organisation (ILO) published a Survey on the Trade Union Movement in Cambodia. The report outlined the background, the political and legal environment, and the issues and prospects facing the union movement at that time. Some of the major challenges identified in that survey were the following:

- The need to strengthen the political and legal environment in which unions operate
- The need to develop union networks internationally
- The need to keep the influence of political parties out of the trade union movement
- The need for the unions to work together to promote the interests of the poor, the weak, and the illiterate workers of Cambodia.

The 1998 survey involved discussions with several individuals representing government ministries, an international donor, as well as some union representatives.

In 2004, another ILO trade union survey was conducted. But unlike the 1998 survey, the 2004 survey focused on trade union perspective. It involved structured interviews with leaders of union federations.

The 2004 ILO trade union survey identified the following major issues that federations faced:

- The killings, violence, and gangsterism associated with leaders and members
- The overlap of representation in some industries
- The limited capacity of the Ministry of Labour
- The need for collective agreements
- Employer discrimination against union leaders and members
- Reliance on international funds that tend to drive objectives and activity
- The need for better representation among workers in the informal sector

Both surveys provided a brief albeit limited historical background and landscape of the state of the Cambodian trade union movement as well as the challenges facing the movement. But as of the 2004 survey there has been no comprehensive study done on the state of trade unions in Cambodia.

It is therefore imperative to review past and present developments in the trade union movement in Cambodia with particular focus on establishing at what stage it is exactly. This is the first major step in setting clear and strategic visions and directions for union building and development in Cambodia. Also, there has been limited data that unions can use to aid organising, campaigns, negotiations, and service delivery. Generating these key data for union development is therefore necessary.

Objectives

With funding support from the Friedrich-Ebert Stiftung Office for Regional Cooperation in Asia, the research project *Building Unions in Cambodia* was undertaken from January to September 2010.

The study aimed to:

1. Provide a relatively comprehensive overview of the history or beginnings of the Cambodian trade union movement during and after the centrally planned regime;
2. Track the developments in the Cambodian trade union movement for the past ten years taking into account, among others, the 2004 ILO trade union survey focusing on:
   a. The challenges identified in both ILO surveys, and
   b. Other challenges, issues and problems not identified in the ILO surveys.
3. Highlight lessons that can be drawn from the past ten years critical to the development of the trade union movement;
4. Identify improvements and deficiencies relative to the challenges identified in the survey;
5. Identify and analyse the sources of strengths and facilitating factors that enabled trade unions to address the challenges identified in the ILO survey;
6. Identify and analyse the weaknesses and factors that constrained trade unions in addressing the challenges they face;
7. Find what trade unions have done to address the challenges identified in the survey;
8. Identify specific areas that require strategic interventions for enhancing trade union capacity to enable them to effectively address the challenges they are facing, as well as more effective and consistent approaches for unions to protect and promote workers' rights and interests;
9. Generate key data related to unions which serve as important inputs in helping trade unions develop their vision and mission, strategic plans and programs for enhancing trade union capacity to serve

the needs and interests of workers, and measures to address the challenges they are confronting; and

10. Come up with concrete recommendations on specific strategies for union strengthening and capacity building.

Methodology

In order to address the research objectives, the following methodologies were used in the conduct of the study:

1. Gathered secondary data through review of related literature, government reports and statistics, union reports and statistics, and other related documents and manuscripts;
2. Interviewed key informants, particularly:
   a. Actors who were influential in the birth of Cambodian trade union movement including former and present trade union leaders
   b. Ministry of Labour and other concerned government institutions
   c. Officers of trade union confederations
   d. Academe and labour research institutions
   e. Labour-oriented non-government organisations
   f. International labour support organisations
3. Convened focus group discussion with leaders of union federations that dealt on:
   a. The developments in addressing the challenges facing the Cambodian trade union movement (with the 2004 ILO survey as reference material)
   b. What the unions have done and have not done to address the challenges identified in the ILO surveys
   c. Other challenges facing the trade union movement
   d. Facilitating factors that enable unions to address the challenges
   e. Constraining factors that limit the ability of unions to address challenges
   f. Strengths and weaknesses of the trade union movement
   g. Opportunities and threats facing the trade union movement
   h. Recommendations for union strengthening

4. Conducted survey involving local union leaders and members in select top industries in Cambodia, namely:
   a. Garments and textile
   b. Services (Hotel and restaurant, airport services, banking, telecommunications)
   c. Construction
   d. Tabacco manufacturing
   e. Rubber plantation
   f. Civil service
   g. Informal economy (tuk-tuk or motor taxi transport, beer promotion)

The project fielded two sets of questionnaires prepared by the researchers targeting select unionised and non-unionised sectors. The unionised sectors covered were garments, hotel and restaurant, rubber plantation, tobacco manufacturing, and airport services. The non-unionised (or nearly non-unionised) sectors included construction, public service, banking, telecommunications, transport service (tuk-tuk or motor taxi), and beer promotion. Respondents were sampled randomly from the sectors mentioned. The interviews were done from April to May 2010. The survey covered a total of 316 respondents.

The questionnaire gathered perceptions of union leaders and members on the following:

- Union purpose and functions
- Organisational and membership issues
- Non-membership issues
- Union issues such as organising, collective bargaining, dispute resolution, consultations and dialogues
- Union strengths
- Union weaknesses
- Opportunities and threats facing unions
- Strategies for union strengthening and enhancing union legitimacy at the workplace

The survey also provided important baseline data on employment-related issues and union status and issues at the enterprise level.

Data gathered through the questionnaires were encoded and processed using the Statistical Package for the Social Sciences (SPSS). Frequencies and cross-tabulations were generated. Chi-square tests were also administered to test whether there is significance in the relationship between several important variables identified by the researchers. If the chi-square test between two variables yields a probability value (p-value) of 0.05 or less, the relationship between these variables is significant, meaning there is a relationship between these variables and that they are not independent of each other. A significant relationship does not however mean there is a causal relationship between the variables tested, or that one variable is causing the other.

Because the sample of the survey was limited, the findings may not be representative of all workers in the sectors covered. Nonetheless, the findings provide insights on some demographic characteristics of union members and how they perceive their unions today. The findings may provide initial empirical support to some of the ideas and arguments raised in the study. Other studies validating some of the survey findings are also cited.

Organisation of the book

The book is organised into five chapters. Chapter 1 provides a brief historical overview of the politico-historical environment of Cambodia since 1953 and gives a brief introduction to the economic and labour setting in Cambodia.

Chapter 2 traces the birth and development of trade unions in Cambodia which may be divided into three important periods: (1) between 1979 and 1990: characterised by state-controlled unions under a centrally-planned politico-economic system; (2) between 1990 and 1997: the first stage of organising and development of unions in a market economy, highlighted by the enactment of the 1993 Constitution and the 1997 Labour Law; (3) from 1997 to the present: whose features include continued union

organising despite labour repression and intensified employer resistance to unionism. This period was also characterised alignments, realignments and splits between and within major union organisations.

Chapter 3 discusses some of the distinct characteristics of Cambodian trade unions today. It also traces several factors that influenced these characteristics. An overview of existing major union organisations is also provided. Issues, problems and challenges faced by trade unions are also discussed and analysed. Where relevant, findings of the survey component of the study are incorporated in this chapter.

Chapter 4 reviews and analyses relevant literature on union building and revitalisation, as well as the results of the survey in an attempt to come up with important guidelines on the development of a union building and revitalisation strategy for Cambodia. This chapter highlights critical areas for union development and expansion both in the unionised and non-unionised sectors.

Finally, Chapter 5 summarises the major findings of the study and concludes the book.

1 The Politico-Economic Context

This chapter provides a brief historical overview of the politico-historical environment of Cambodia beginning 1953, a period marked by both moments of peace, stability and development at a level that was recognised in the region, and dark moments of political turmoil, civil strife and human suffering beyond imagination. In addition, this chapter gives a brief introduction to the economic and labour setting in Cambodia.

Difficult political transitions

Since the end of the French colonisation in 1953 (French colonisation began in 1863), Cambodia has gone through various episodes of political transition, changing from a monarchy to a capitalist republic, to a communist republic, to a socialist republic, and then back to the current constitutional monarchy with liberal and pluralistic parties under a market system. The change from one political regime to another through bullets rather than ballots shattered any effort to maintain the momentum of country building as a result of the change of political views from the right to the left or of the eradication of human capital. The process of such transition saw the death of about two million people and the displacement of a million others (Clymer, 2004; Tuly, 2005).

Despite the controversy of the leadership of King Sihanouk from 1954-1970, Cambodia enjoyed stability and growth for the first time since the fall of the Angkor regime in the early tenth century. However, domestic unrest created more complications for Sihanouk who faced opposition from communist guerrillas. These communist guerrillas came to be known as the Khmer Rouge, and began using authoritarian measures to subdue unrest. Sihanouk's attempts to remain in power failed as the opposition grew stronger. A coup eventually occurred on March 18, 1970 replacing Sihanouk with his former General Lon Nol (Sharp, 2004).

Whereas Sihanouk had attempted to have Cambodia remain neutral in the Vietnam war and prevent conflict both with the United States of America or its neighbouring country Vietnam, Lon Nol took a pro-American stance (Clymer, 2004). Cambodia during Lon Nol was marked by several unrest, such as the increasing pressure of the Khmer Rouge communists especially in the rural areas, the resentment of Cambodian people toward Lon Nol's policies, and the bombing by the Americans along the border and the subsequent influx of refugees into urban areas. As the bombings became more rampant, many crops, homes and livestock were destroyed resulting in food shortages. The Khmer Rouge took it as an opportunity to mobilise peasants to rise up and fight against the imperialist United States and struggle against feudalists and capitalists. The Lon Nol government surrendered unconditionally to Khmer Rouge forces in April 1975.

The Khmer Rouge took power from 1975 to 1979 and renamed the country Democratic Kampuchea (DK). It adopted a fanatical and doctrinaire self-reliance policy that eventually ravaged the country. The social services that existed in the preceding regime were completely abolished. The Khmer Rouge claimed to envision "a new society free from the injustice and influence of western, colonialist, imperialist outsiders," but this new society was based on fear and oppression. After the surrender of the Lon Nol regime, an eight point program was enacted that created chaos in Cambodia instead of the stability sought by the population. The plan to reinvent Cambodian society included measures to evacuate all urban areas, abolish the market economic system, abolish the established currency, create an agricultural system based on cooperatives, execute opposition leaders, expel the Vietnamese population, and send troops

to the Vietnamese border. Overall, the political policies of the Khmer Rouge destroyed not only the political but also the social and economic foundations of development. The Khmer Rouge's political power was fleeting because they created domestic dissent and conflict with the Vietnamese.

The economy underwent massive restructuring. There was no banking system and virtually no circulation of money. Social services such as health, education, trade and communication were all abolished. The Khmer Rouge idea in support of the Chinese Cultural Revolution was simple - the rustication of the economy under the tight control of the state apparatus. The Khmer Rouge devolved Cambodia's economy back to the pre-historic age. By undertaking radical social engineering, the Khmer Rouge reversed the social order, destroyed traditional notions of family, and ruined an entire country. During the reign from 1975 to 1979, approximately two million Cambodians were either brutally executed or starved to death by being denied of sufficient food, proper medical treatment, and humane living conditions (Gallery, 2007).

Vietnamese troops entered Cambodia in November 1978 to stop Khmer Rouge incursions across its borders and the genocide in Cambodia. In 1979, the Vietnamese-backed Khmer National United Front for National Salvation (KNUFNS) or the Salvation Front, a group of dissatisfied Cambodian leftists, deposed the Khmer Rouge. This new regime with a Vietnamese-sponsored government came to be known as the Peoples' Republic of Kampuchea (PRK) and ruled from 1979 to 1989. DK remained intact and, in fact, was recognised by the United Nations as the legitimate government until 1990.

In 1989, with the collapse of the Berlin wall and with the withdrawal of Vietnamese troops, the PRK renamed itself the State of Cambodia (SOC) which ruled from 1989 to 1992. It abandoned Communism and soon implemented free market reforms. During this period, the Kampuchean People's Revolutionary Party (KPRP) ruled the country. In 1991, the KPRP changed its name to Cambodian People's Party (CPP). Meanwhile, the PRK and DK fought each other for control of the country.

Though under foreign control, the PRK and the SOC managed to restore the social system and services from scratch. During this time, Cambodia adopted a single party and a state-controlled economy. In the late 1980s, government policies fundamentally relied upon the nation's own sparse resources--chiefly agriculture, a nascent industrial base, and modest foreign aid from the Council for Mutual Economic Assistance (COMECON) countries and non-governmental international organisations.

With the total failure of the previous Democratic Kampuchea regime from 1975 to 1979 and the continued civil strife along the border, the PRK and later SOC regimes received official development aid (ODA) from various countries. Bilateral and multilateral aid has poured into Cambodia since 1986, though modestly. Since 1989, the year in which the Vietnamese army began to leave Cambodia, ODA doubled, then tripled in 1991 (Ear, 1995).

Due to pressure from the international community against the continuing civil strife along the border and the failure of contending political parties to bring stability in the country, leaders of these contending regimes representing the extreme left and the extreme right came together in 1991 to sign the Peace Accord in Paris brokered by the United Nations (UN). This Accord provided for an interim rule under the UN until the first democratic election was held in 1993 (Keller, 2005).

In the 1993 elections, the royalist party National United Front for an Independent, National, Peaceful and Cooperative Cambodia (FUNCINPEC) and the CPP--led by Prime Minister Hun Sen--won the vast majority (Falkus and Frost, 2003: 2). The 1993 constitution restored the monarchy with Norodom Sihanouk as king. The country was renamed the Kingdom of Cambodia. A three-party coalition government was formed with Prince Norodom Ranariddh of FUNCINPEC and Hun Sen sharing the prime minister seat.

In 1997, Hun Sen ousted Ranariddh and the former's party dominated the 1998 elections. Ranariddh and Sam Rainsy, an opposition leader of the Khmer National Party (which later became the Sam Rainsy party) who would lead the establishment of the Free Trade Union of Workers

of Kingdom of Cambodia (FTUWKC) in 1996, claimed the elections were unfair. Consequently, a new coalition government was formed again in 1998, with Hun Sen as the prime minister and Ranariddh presiding over the National Assembly (ibid).

After the abdication of King Norodom Sihanouk in October 2004, King Norodom Sihamoni was selected on October 14, 2004 by a special nine-member throne council, part of a selection process that was quickly put in place. Sihamoni's selection was endorsed by Prime Minister Hun Sen and National Assembly Speaker Prince Norodom Ranariddh who is the king's half brother and current chief advisor. Both were members of the throne council. Sihanouk was enthroned in Phnom Penh on October 29, 2004.

To date, Cambodia is a constitutional monarchy. The king is recognised as Cambodia's head of state but his role is mostly ceremonial. The prime minister, who is appointed by the king on advice and with approval of the National Assembly, is the head of government. Legislative power is vested in both the executive and the two chambers of parliament, the National Assembly of Cambodia and the Senate. The National Assembly is more powerful than the Senate. Elections are held every five years.

Current socio-economic and labour setting

Since the first election in 1993, Cambodia has been experiencing until recently remarkable political stability and economic growth. The average annual growth rate of real gross domestic product (GDP) between 2001 and 2007 was 9.7% per annum. GDP growth was fastest between 2004 and 2007; the highest recorded growth of real GDP was in 2005 at a remarkable 13.3%. Despite the global downturn in financial markets in 2008, Cambodia's economy remained in good shape, underpinned by continued average annual increase of about 6.7% (Ministry of Planning, 2010). Per capita income more than doubled from $330 in 2004 to $739 in 2008 (ibid). Poverty was reduced from 45-50% in 1993-94 to about 36% in 2007. Income gap between the rich and the poor has however steadily increased, showing that economic growth is not evenly distributed.

The World Bank study *Sustaining Growth in a Challenging Environment* (WB, 2008) attributes Cambodia's unusually strong growth, despite a poor governance situation, to the historical and geographical setting, political and macroeconomic stability, and integration into the region. During this growth period, which followed the Paris Peace Accord in 1991, Cambodia was recovering from decades of conflict and undergoing a demographic transition which reduced the number of dependents. After baby booms in the 1980s and 1990s, Cambodia had fewer non-working age Cambodians over the last decade. This added one to two percent per capita growth per year.

Nonetheless, the Cambodian labour force is characterised by low levels of education and skills. Only 23% of the workers have any schooling above the primary school and 29% have no schooling at all. Little more than 1% attended vocational, non-graduated or graduated training (USAID, 2009). In general, low levels of skills and education create risks such as workers receiving low pay and benefits, poor working conditions, and job insecurity. Employers, on the other hand, are at risk of uncertain worker capacity, high turnover, and workplace instability.

Total employment of people aged 15 or older is around 7.8 million, 35.6% of them are in the sector of manufacturing and services. Looking to the future, the need for continued strong growth is clear. Around 250,000 young Cambodians enter the labour force every year. Furthermore, much of the workforce is underemployed—recent estimate by the National Institute of Statistics puts it at 30 to 40% (ibid). Garments and other manufacturing workers typically come from agriculture—the most inefficient part of the economy even though it has considerable potential to provide additional recruits.

Garments, tourism, construction and agriculture had been the drivers of the economy. Garments exports doubled from $27 million in 1995 to $2.7 billion in 2007. Garments, textiles and footwear accounted for 89% of the growth in manufacturing between 2001 and 2006, and 76% of all Cambodian manufacturing. Over this period, tourism grew at 10-20% a year. Generally agriculture has had strong growth, reaching up to 5% a

year. Construction was a leading growth sector until 2007 when its growth rate dropped dramatically.

Table 1. Basic Indicators for Cambodia (2005-2009)

Indicator	Units	2005	2006	2007	2008	2009
Real GDP Growth	% Mn US$	13.3 5,502	10.8 6,099	10.2 6,719	6.0 7,122	5.1 7,482
Sectors						
Agriculture Industry Service	% of GDP	30.7 25.0 39.1	30.1 26.2 38.7	29.7 24.9 38.5	31.7 23.8 37.5	31.7 23.6 37.7
Population	*Persons*	*13,806,923*	*14,080,653*	*14,363,519*	*14,655,950*	*14,957,752*
Female	Persons	7,041,531	7,181,133	7,325,395	7,474,535	7,628,454
Male	Persons	6,765,392	6,899,520	7,038,124	7,181,416	7,329,298
Employ-ment	*Persons*	*7,869,946*	*8,025,972*	*8,187,206*	*8,353,892*	*8,525,919*
Agriculture	Persons	4,651,138	4,603,498	4,497,757	4,427,562	4,689,255
Industry	Persons	637,206	1,165,077	1,261,163	1,336,623	1,278,888
Service	Persons	2,164,235	2,257,398	2,428,285	2,589,706	2,557,776
Agri-culture	% of employ-ment	59.1	57.4	54.9	53.0	55.0
Industry	% of employ-ment	8.1	14.5	15.4	16.0	15.0
Service	% of employ-ment	27.5	28.1	29.7	31.0	30.0

Source: BWI, 2008

Nonetheless, Cambodia remains basically an agrarian country because agriculture is its biggest employer. Agriculture was the largest contributor to 2005 growth when it grew to a record 16.6% and accounted for 30.7% of total GDP in constant 2000 prices. From a total employment rate of 59.1% in 2005, the number of people employed in agriculture went down to 55% in 2009. But while 84% of the population and 55% of the labour force were in agriculture, production was only 31.7% of GDP in 2009. In fact, between 2005 and 2009, agriculture's share in GDP grew only by about 1%.

Industry grew by 13.3% in 2005 accounting for 25% of total GDP in constant 2000 prices. However, by 2009 preliminary data indicated that GDP contribution went down to 23.6%. The main contributors to industry growth were the garments and construction industry. Industries had been employing 1,278,888 people by 2009, double the number in 2005 (637,206). An overall trend of growth in employment in the industrial sector was observed: from 8.1% in 2005 to 15% of total employment in 2009.

Construction value added also contributed strongly to the 2005 growth, increasing by 20.1% compared to increases of 11.1% and 13.2% in 2003 and 2004 respectively. Significant increases in construction of residential dwellings, hotels and factories have been the main contributors to high growth rates since 2002.

The services sector continues to be the largest contributor to GDP. In 2005, it accounted for 39.1% of GDP. In 2009, it slightly went down to 37.7%. Nonetheless, an overall trend of increase was also observed in this sector. From 27.5% of total employment in 2005, the rate went up to 30% in 2009. Tourism continues to be the main contributor to growth in this sector which in turn drives the growth in real estate, and ultimately has been stimulating growth in the construction industry.

Current labour rights setting

To date, Cambodia has signed the six main international human rights instruments and other international conventions and agreements as part of the peace deal brokered by the international community (Royal Government of Cambodia, 2006).

The conventions on international labour standards that the government of Cambodia has ratified since it joined the International Labour Organisation in 1969 are listed in Table 2.

Starting from almost nothing in the early 1990s, Cambodia's industrial relations have evolved rapidly over the past 15 years, particularly in the last five years. Unions began to emerge only after the adoption of the

Cambodian Labour Code in 1997. Before 1997, Cambodia did not have independent labour unions with the capacity to effectively represent the interest of workers. Also, a dispute resolution system was established including conciliation and arbitration mechanisms. Genuine collective bargaining has also started in hotel and garments industries. Worker and employers engage in social dialogues and the government has adopted a policy to promote collective bargaining more broadly.

Table 2. Conventions ratified by the Cambodian government

Number of Convention	Name of Convention	Year of ratification
C. 4	Night Work (Women) Convention, 1919	24 Feb 1969
C. 6	Night Work of Young Persons (Industry) Convention, 1919	24 Feb 1969
C. 13	White Lead (Painting) Convention, 1921	24 Feb 1969
C. 29	Forced Labour Convention, 1930	24 Feb 1969
C. 87	Freedom of Association and Protection of the Right to Organise Convention, 1948	23 Aug 1999
C. 98	Right to Organise and Collective Bargaining Convention, 1949	23 Aug 1999
C. 100	Equal Remuneration Convention, 1951	23 Aug 1999
C. 105	Abolition of Forced Labour Convention, 1957	23 Aug 1999
C. 111	Discrimination (Employment and Occupation) Convention, 1958	23 Aug 1999
C. 122	Employment Policy Convention, 1964	28 Sep 1971
C. 138	Minimum Age Convention, 1973 (Minimum age specified: 14 years)	23 Aug 1999
C. 150	Labour Administration Convention, 1978	23 Aug 1999
C. 182	Worst Forms of Child Labour Convention, 1999	14 Mar 2006

Source: http://webfusion.ilo.org/public/db/standards/normes/appl/applbyCtry.cfm?CTYCHOICE=1190&lang=EN

Cambodia's 1997 Labour Code guarantees freedom of association, the right to bargain collectively, and the right to strike. The adoption of this law encouraged foreign investment and granted Cambodia a status of Most Favoured Nation (MFN) by the US, European Union (EU) and other

developed countries. With that status, Cambodia was entitled to tariff and quota free access under the Everything But Arms (EBA) initiative operated under the EU's Generalised System of Preference (GSP) scheme since February 2001, and the US and Japan's GSP schemes (Hing, 2006). GSP is a program designed to promote economic growth in the developing world by providing preferential duty-free entry into certain developed countries of a designated number of products from designated developing countries and territories.

In the garments industry where unionisation is estimated at 60%, there is a high level of disputes. Unions and employers often do not have the knowledge or tools to engage in dialogue and dispute prevention measures including collective bargaining. Employers have complained about multiple competing unions and strikes while unions voiced out their concerns over low wages, anti-union discrimination, and abuse of short-term contracts.

The government continues to refine its policies and improve the implementation of the Labour Code. In late 1998, the government liberalised procedures for trade union registration, a step which directly increased the number of officially recognised labour unions. The year 1999 saw the establishment of the tripartite Labour Advisory Council (LAC) which has begun performing its legally mandated role of reviewing and approving labour regulation including minimum wage review. In July 2002, the Ministry of Commerce and the Ministry of Labour and Vocational Training (MoLVT) created an inter-ministerial committee responsible for reviewing labour-related complaints from various sources and recommending penalties for violation. The government has yet to create a labour court system as required under the Labour Code although a tripartite Arbitration Council (AC) was established in 2003 to deal with labour complaints.

2 The Beginnings and Growth of Unions in Cambodia

The birth and development of trade unions in Cambodia may be divided into three important periods. Between 1979 and 1990, Cambodia under a centrally-planned politico-economic system had state-controlled unions. Between 1990 and 1997, following the collapse of the centrally-planned system, came the first stage of organising and development of unions in a market economy. During this period, the 1993 Constitution and the 1997 Labour Law were enacted creating the legal landscape for unionism to flourish. The third period, 1997 to the present saw, continued union organising despite labour repression and intensified employer resistance to unionism. This period was also characterised by alignments, realignments and splits between and within the major union organisations.

State-controlled unions (1979-1990)

Unions first appeared not after the Khmer Rouge regime but earlier. During the Sangkum Reas Niyum (Khmer monarchy regime from 1954 to 1975), unions existed in some factories though little is known about how unions were like then. Even during the Khmer Rouge regime (1975 to 1979), there were unions in some factories and production sites. Since the Khmer Rouge kept its structure and policies secret, it is difficult to ascertain how these unions were and how they operated.

After the fall of the Khmer Rouge regime in 1979, the new government called People's Republic of Kampuchea (PRK) implemented its politics through four organisations: the Association of Women, Youth Association, National Salvage Front (Renakse Sangkruos Cheat Kampuchea), and the 'syndicates' (unions). The `syndicates' were initiated and established by the state in 1980. A syndicate refers to a union in government ministries or agencies in provinces and districts. During that period, the government carried out and adhered to a planned economy or collective economy. All syndicates were established under the control of the state. Union staff salaries were paid by the state. It was not really clear how unions were organised, but at that time there were apparently four levels of union structures built along the district, province/town, municipal, and ministerial levels. At each level of a union there were seven divisions to carry out its activities, namely: assignment, international relation, propaganda, education, living standard, competition, and women. Unions at that time were significant and were considered by the government not only as core groups for conveying messages from the members to the state and vice versa, but as mass organisations representing voice of the people. Somehow, unions were also used to conduct peer-to-peer education and teach the illiterate to read and write in Khmer language. Lifestyle promotion for the working people was very important to the union as well.

According to Mrs. Tep Kimvannary, current National Independent Federation of Trade Unions of Cambodia (CFITU) president, the number of union members throughout the country during 1989-1990 was around 170,000. After working at the Ministry of Education for two years, she along with union activists in the Cambodian socialist regime joined the union in 1981. She could not remember however the number of members in each sector, ministry, urban and provincial department, district, and factory/enterprise.

Union members paid one percent of their salaries as union fee through a check-off system. The average salary of a general worker was around 9000 Riels per month (at that time one chi of gold was around US$150, equivalent to 7000 Riels at that time). Membership fee was first kept by the union treasurer then later deposited to the National Bank of Cambodia. The income of the union at that time was barely enough to support the

cost of its operation. Sometimes training expenses were taken from membership fees. Countries such as the Soviet Union and Bulgaria also provided additional funding.

Workers joined the union because it was compulsory and useful for them in obtaining other opportunities for support. From 1980-1990, most of the workers who joined unions were civil servants from across sectors throughout the country, working in municipal and provincial/town and ministry departments. There were also those who worked in rubber plantations, weaving factories, flour factories, liquor (S.K.D) factories, bar soap enterprises, and glass factories, among others. Most union members either worked in the city and provincial ministry departments, or in rubber plantations, factories and enterprises.

Unions communicated with the regime to meet the demands of their members as unions knew better the grievances of workers and the basic needs in each ministry, province, district, and commune. Unions coordinated with the state and companies in organising and facilitating workforce supply and production. It should be noted that the period 1979-1980 was purely a barter period. Workers worked in factories and enterprises and unions tried to make sure that the workers received their ration equally as they were supposed to. Workers then viewed unions as facilitating mechanisms and a necessary agency to convey to management their messages so the latter could respond to their basic needs and requests.

The unions' policies and objectives were to improve the living conditions of civil servants and workers by cultivating fruit-bearing trees and crops (banana, papaya, coconut and mango), raising cows, distributing goods freely, or selling goods cheaply. Union canteens were established to serve the working people in factories and enterprises, hospitals, and the tourism services. It was also state policy for the unions to act as facilitators between production planning and labour demands in factories and enterprises manufacturing sarong, scarves, Chip Tong slippers, blankets, fabrics, liquor (S.K.D), zinc, drinking glasses, tires, sugar, etc. This meant that unions had to facilitate the supply of manpower according

to the needs of production and coordinate labour costs to fit the extent and dimension of each worker's duty and responsibility.

Mass movements through unions were useful to the regime. Unionists were seen as hardworking people with opportunities to receive a variety of education programs in economics, politics, philosophy and unionism abroad, especially in communist bloc countries such as the Soviet Union, East Germany, Vietnam, Hungary, Australia, and Bulgaria.

The leadership of the unions at the central and provincial departments was nominated by the central level and key cadres of the communist regime. Unions were then serious about playing their roles according to their individual divisional structures and communication. Union leaders were also assigned to meet with lower level union leaders and members to talk about their rations, requests, and assignments.

The union structure was top-down. The national union was called Union Federation of Kampuchea (UFK). A union worked through its seven divisions in different provinces and held monthly meetings under a theme called Criticism and Self-Criticism on General Work in each union division. It held meetings once every six months with all its divisions in each province and city, as well as national meetings once a year in Phnom Penh with all union representatives throughout the country.

Overall, key union work and outcomes in the period 1979-1990 included:

- Sharing earnings from cooperatives' farming products
- Distributing farming products to all members
- Establishing childcare centres in almost all workplaces
- Benefiting from being a part of the regime, unions could sell state products such as rice, fuel, frying oil and bar soap to their members at lower price
- When a union member died or incurred serious illness and could not go to work, the beneficiary (victim's child) was allowed to replace his/her parent or attend certain vocational training courses. Members who retired still remained members of the union. When they passed away, the union also provided their family with financial support.

Unions at that time were different in the following ways: (a) they served the interest of the government rather than the members and did some information dissemination to members like promoting communist ideologies and other policies; (b) union leaders held key positions in the government and received training in state-owned unions in Vietnam, Cambodia's close communist ally; (c) joining unions was a must for all workers and their union dues was deducted monthly; (d) under a centralised planned economy, all industrial and service workers were state employees and, hence, all unions were state unions; (e) the right to organise strikes and negotiate with employers was non-existent, (f) only a few small services were provided to members as assistance to the sick or those who met an accident or had minor grievance. In short, unions were instruments of the state. They acted as the state's transmission belt at the workplace.

Unions in transition and the birth of 'new' and 'free' unions (1990-1997)

From 1991 to 1993, the People's Republic of Kampuchea regime was renamed the State of Cambodia (SOC). During this transitional period, the union network of the state was restructured to prepare them to function in line with the upcoming free market economy. The state assigned some officials who had some experience in unionism and had involvement in union work to continue organising and leading unions. At the same time, people who used to organise under a free market system were assigned to study some doctrines and concepts of unionism in Vietnam. But the training they got in Vietnam focused on a communist style of union administration rather than with concepts of unionism in a free market economy.

Arguably, the political and economic regime change encouraged the birth of free and democratic unionism in Cambodia. The period between 1991 and 1993 saw Cambodia's rapid transition from a centrally planned economy to a free market economy. The Cambodian government was transforming its market policies in cooperation with the International Monetary Fund, the World Bank, donor countries, and international organisations.

Since 1990, the once state-controlled unions were demobilised to follow the turning point of new politics in the country. The UFK which was the only union in the centrally planned regime was changed into a mass organisation. Most leaders in the UFK were assigned to work in different governmental ministries and were given important positions in state institutions. Some volunteered to take up leadership positions in the new mass organisation. These unionists started running the UFK and organising workers in factories and enterprises such as weaving factories, garments factories, rubber plantations, and ports. Eventually, the old leaders were assigned to work in government offices since none of them desired to continue doing union work.

Meanwhile, the Khmer National Party (KNP) leader Sam Rainsy, with the help of a few union activists started to organise local unions to counter unions identified with the ruling party. Rainsy, together with Chea Vichea who became his successor, subsequently led the formation of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) in 1996 to support the opposition's campaign. The FTUWKC was the first union federation to be established in Cambodia after the regime change. Chea Vichea became the first president of FTUWKC.

Many workers joined FTUWKC during Chea Vichea's union leadership up to his assassination in 2004. During his term, FTUWKC fought actively and won major victories for unions and workers.

Between 1993 and 1994, Ros Sok, who was later elected as the president of the Cambodia Federation of Independent Trade Unions (CFITU), tried to convince some former UFK unionists to start organising new workers in the private sector. He recruited a number of former union colleagues and young female workers to do organising in this sector. By 1999, he and his colleagues had organised over 30 local unions representing workers in garments factories, footwear factories, rubber plantations, and ports. On July 1, 1999, with over 30 local unions, he and his remaining colleagues established a new worker organisation called CFITU. The Cambodian Union Federation (CUF) which from the beginning identified itself as pro-CPP union was established in 1996.

Union growth, alignment and realignment (1997 to present)

As the Cambodia trade union movement started to grow and expand, alignments, realignments and splits characterised the movement.

Up until 1999, there were over 100 garments factories in Cambodia and four nascent union federations: CFITU, CUF, FTUWKC, and the National Independent Federation of Trade Unions of Cambodia (NIFTUC). FTUWKC and CUF were the first to be established in 1996. The former has links with the only major opposition party (currently called Sam Rainsy Party) while the latter was seen neutral up to 2002 when NIFTUC became supportive and linked to the ruling party (Cambodian People's Party). CLUF (Cambodian Labour Union Federation) was registered in 1998 and a year later CFITU and NIFTUC were founded. CLUF and CFITU are both supportive of the ruling party whereas NIFTUC was in the beginning trying to stay neutral and independent. FTUWKC and NIFTUC were known for organising strikes in garments factories and there was frequent confrontation and competition between the unions with different political tendencies. Unions with links to the government are much less militant, moderate and more cooperative to employers.

Two years later, seven federations and two associations were established. It should be noted that both unions/federations and associations represent workers in the workplace or society although unions are set up under the framework of the labour law while associations are for workers who are not covered by the labour law. The workers outside the labour law could be informal workers or civil servants. In 2000, the Cambodian Independent Teachers' Association (CITA), the Coalition of Cambodian Apparel Worker Democratic Unions (C.CAWDU), the Cambodian Worker Labour Federation Union (CWLFU), the Free Union Federation of Khmer Labour (FUF), and the Khmer Youth Trade Union Federation (KYFTU) were set up. In 2001, the Federation Union Solidarity (FUS), Cambodian Union Federation Building and Wood Workers (FBWW), the Trade Union Federation for Increasing Khmer Employee Lifestyle (TUFIKEL), and the Cambodian Association for Informational Economy Development (CAID)

were registered. In 2002, Dhama Thipatay Federation Union (DTFU) was founded.

It was in 2003 that the federations closely linked to the government party first formed a confederation called Cambodian Confederation of Trade Unions (CCTU). The CCTU federations came to be known as Group A. The other federations--FTUWKC, NIFTUC, CITA, C.CAWDU--comprised Group B which was not confederated but informally linked up as a group independent from government. The union grouping was first made when one big group, the CCTU, formed itself into a confederation. The idea of grouping the unions was done purportedly to check and cope with the rise of many other groupings as newly established unions were forced to come under one of the two groups if they wished to receive support from the ILO's Workers' Education Program (ILO-WEP). However this idea of labelling and differentiating unions was criticised by certain trade union support organisations, claiming the practice further deepened cleavages in the trade union movement. It should be noted that Group A pertained to unions that were politically, ideologically and/or financially supported by the government, thus, labelled pro-government. In Group B, FTUWKC was benchmarked as a pro-opposition party whether or not it received financial and/or ideological support from the political opposition party. Later, another group emerged after breaking from Group B: Group C (NIFTUC and C.CAWDU). It had no political affiliation and made itself independent from political parties. This group received support from the international community.

The International Trade Union Confederation-Asia and Pacific (ITUC-AP), with the support of ILO-WEP, started working with federations belonging to Groups A and B in 2003.

On January 22, 2004, the fledgling trade union movement of Cambodia was shocked with the assassination of then FTUWKC president Chea Vichea in broad daylight. Two persons were subsequently found guilty of the crime and were sentenced to 20 years in prison and ordered to pay compensation to the family of the late Chea Vichea. There were doubts about the conviction of the alleged perpetrators, however, due to lack of solid evidence and numerous contradictory accounts during the trial.

Chea Vichea's family refused to accept the compensation ordered by the court, citing they did not believe the men convicted were responsible. The two were released in 2009 by the Supreme Court citing lack of evidence amidst immense local and international pressure. Chea Vichea came to be recognised as a worker-hero and his death raised the image of trade unions as advocates of workers' rights. Later on, two more local union leaders from FTUWKC were killed, causing a grave concern over the lives and safety of worker right advocates.

The death of Chea Vichea did not dampen the enthusiasm in organising workplaces. In the years that followed, the number of unions increased remarkably and other confederations were established. However, as union leaders began to compete for leadership in federations, splits became apparent. Group B was split into three confederations, the Cambodian Confederation of Unions (CCU) comprising FTUWKC and CITA, and the Cambodian Labour Confederation (CLC) which was formed by C.CAWDU in 2006 and CNC (Cambodian National Confederation) which was founded by NIFTUC in 2005. CCU is still seen as supportive of, and linked to the opposition party, while CLC stayed independent. In 2006, another split occurred, this time in the pro-government group just after their congress. Consequently, the youngest alliance of confederations called National Union Alliance Chamber of Cambodia (NACC) was formed in 2007.

Factors influencing union growth and expansion

According to Drake (2007), there are three principal sources of union strength – structural, institutional and political. The structural dimension pertains to the economic environment in which the union thrives and operates. Since the 1980s, structural changes in the economy have been spurred by increased globalisation of trade, investment, production and competition. Governments have played a major role in facilitating liberalisation and deregulation by adopting austere monetary and fiscal policies that curb state programs for labour; shrinking state budget that slashed provision for social services and welfare safety nets and reduce workers' leverage with government agencies; and promoting and facilitating privatisation, among others. Most often, these structural changes and the concomitant

policy environment greatly impact on workers and their organisations as workers are pitted against their counterparts abroad, as unemployment and underemployment are on the uptrend, and as workers are faced with mechanisation, flexibilisation, subcontracting, informalisation, and insecurity at the workplace.

To date, structural changes in the global and national economy have led to a precipitous decline in terms of membership and political influence of unions all over the world.

In the case of Cambodia, the political and economic changes following the shift to a market economy and leading to the run-up to the Cambodia-US Bilateral Trade Agreement led to the rise and multiplication of unions particularly in the garments industry, albeit with certain limitations and disadvantages as discussed in Chapters 3 and 4.

The other source of union strength is institutional. As discussed below, the Cambodian Constitution and the Labour Law paved the way for the growth and expansion of trade unions particularly in the garments industry. Despite its limitations, the Labour Law provides the legal framework for the exercise of workers' rights and enforcement of labour standards. It also provides the framework for the development of industrial relations in the country.

The third source of union strength is political power and influence. As pointed out earlier in this chapter and discussed further below, political parties have influenced strongly the formation and operation of unions in Cambodia.

The 1993 Constitution and the 1997 Labour Law

The 1993 Constitution of the Kingdom of Cambodia states that citizens have the right to form and become members of trade unions, and stipulates that the organisation and operations of trade unions shall be determined by law (Article 36). The Constitution also gives workers the right to strike and to engage in non-violent demonstrations (Article 37).

The Constitution likewise guarantees equality before the law, prohibition of discrimination against women, equal pay for equal work, protection and education for children and recognition of children's rights, respect and recognition of international charters and conventions on human rights, and explicit recognition of particular needs (i.e., disabled and pregnant women).

In 1997, Cambodia introduced a new Labour Law to cover all situations where there is an employer-employee relation, except those involving civil servants, judges, the police and the army, pilots, and boat captains. Although only about 10% of the active population has formal employer-employee relation, they are covered by a comprehensive law that includes aspects of labour protection, freedom of association, collective bargaining, and dispute resolution.

The Labour Law of 1997 is similar to the 1992 law it replaced, but with a number of important additions, including the right to strike, the expansion of collective bargaining rights for workers, and a detailed system for resolving disputes.

The adoption and promulgation of the Labour Law was crucial for the start of free and independent unions in Cambodia. The code defines industrial relations and rights and responsibilities of trade unions and stipulates in detail the issues related to unions like membership, establishment, demonstration, strike, and collective bargaining. The right of employers to form employers' associations is guaranteed (Article 266) as well as the right to lock out (Article 319 of the Labour Law).

Ratifying ILO Conventions 87 and 98 in 1999 was important to the development of unions. This makes the government more accountable to ensure independence and freedom of unions. The ratification of these conventions put constraints on the state as it had to face pressure from the international community if a labour practice did not conform to the provisions of the conventions.

The Asian American Free Labour Institute (AAFLI) and ILO actively participated in the drafting of the Cambodian Labour Law. The Labour Law was a precondition to the 1999 US-Cambodian trade agreement,

which the US American Federation of Labour-Congress of Industrial Organisations (AFL-CIO) pushed hard as conditionality.

The landscape of workers' rights and labour standards

1. The right of association

As mentioned earlier, the Cambodian Constitution and the Labour Code guarantee freedom of association, and all workers can exercise this freedom, except household workers and civil servants such as teachers, judges, and military personnel. Workers have the right to form professional organisations of their own choosing without prior authorisation, such as association of engineers, architects and the like.[1]

The Labour Code also requires employees and employer organisations to register with the Ministry of Labour and Vocational Training (MoLVT).[2] Based on the figures from MoLVT's 2009 Annual Report, there were 167 professional organisations registered in 2009. By the end of 2009, there had been 1,740 professional organisations registered with the Ministry.[3] The Labour Code states that if the Ministry does not respond within two months of receiving an application, the trade union or employer organisation automatically receives recognition. While there were no complaints that the government failed to register unions or labour federations in 2001, some unions and federations complained of unnecessary delays and costs.

The Labour Code provides for the protection of workers from discrimination on the basis of union activity. In November 2001, MoLVT promulgated new regulations, which provide union founding members, candidates for leadership, and leaders themselves protection from dismissal.[4] In practice, however, the government has not effectively guaranteed such protection. A leader of the Water and Forestry Conservation Union of the Authority for the Protection and Management of Angkor and the Region of Siem Reap (APSARA) Authority was discriminated against and was subsequently terminated. Several union affiliates of Building Worker Trade Union Federation of Cambodia (BWTUC) are being subjected to anti-union activities by the management of the APSARA Authority, Angkor

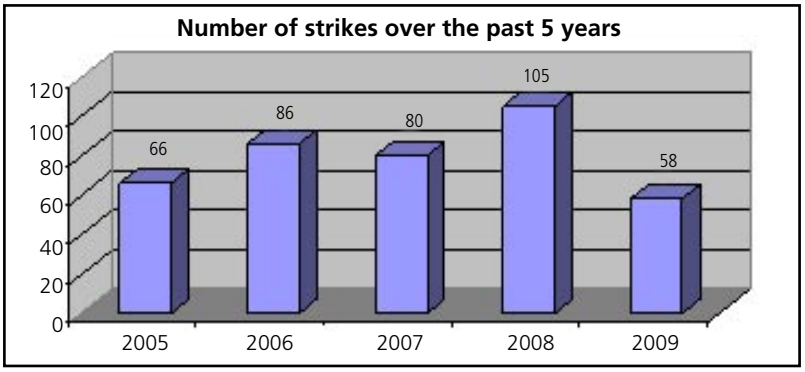
Golf Resort, the JSA, and the Angkor d' Artisan. Angkor d' Artisan, a popular handicraft company, even organised a parallel association of workers that competes for the loyalty of the rank-and-file workers. Similarly, 14 top union leaders at Naga World casino in Phnom Penh were fired in 2009 while union and management were negotiating benefits. Hotel federations have been campaigning through strikes and before ILO for the reinstatement of these workers. Strikes due to the aforementioned reasons have also been taking place in the hotel and garments industry as well as among civil servants.

2. The right to strike

The Labour Code also grants workers the right to strike and to participate in non-violent demonstrations[5] but to the limit of minimum service guaranteed in all enterprise. The law also requires that for a strike to be legal it must first exhaust the process of conciliation, arbitration, and the strike vote. However, the process is frequently ignored by workers. The police are sometimes called to suppress the strike or demonstration and have been known to use violence.

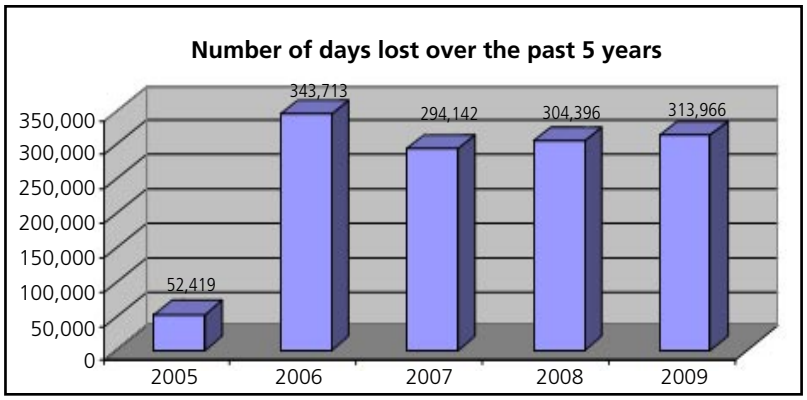
The Labour Code also protects strikers from reprisal. There were 80 strikes in Cambodia in 2001, accounting for 136 days of lost work across industries. Over the last five years, from 2005 to 2009, there were 395 strikes in the garments industry. The graph below shows a 30% increase in the number of strikes between 2005 and 2006, and a 31% increase between 2007 and 2008. There was a sharp decrease of 45% in number of strikes in 2009 due to the fact that the global financial crisis occurred at the end of 2008 and severely affected the Cambodian garments sector. Many strikes were not carried out in accordance with the seven-day prior notice required by law. The industry experienced 343,713 and 313,966 working days lost in 2006 and 2009 respectively. The statistics show a substantial decrease in strikes in 2009, a drop of almost half of the number in 2008. The strikes that occurred in provinces follow the same trend, reduced to almost half in 2009. The decrease is seen as motivated by concerns of workers over lower market demands due to the global economic crisis and the uncertain future of the garments industry.

Figure 1. Strikes in Cambodia, 2005-2009



Source: Garment Manufacturing Association in Cambodia Website

Figure 2. Days Lost Due to Strikes, 2005-2009



Note: The number of days lost per year is calculated by taking the number of strikes in a given year and multiplied by the number of striking workers. If for example the number of strikes in a given year is 86 and the number of striking workers is 1,000, the total number of days lost due to strike for that given year is 86,000.

Source: Garment Manufacturing Association in Cambodia Website

Table 3. Strike Statistics in Phnom Penh and Neighbouring Provinces

Strike statistics	2007	2008	2009	Total
Number of Strikes in Phnom Penh recorded by DLD	83	82	40	205
Number of Strikes in Phnom Penh and neighbouring provinces recorded by GMAC	80	105	58	243

Source: Department of Labour Disputes, Ministry of Labour, and the Garment Manufacturer Association of Cambodia

In these strikes, workers sought to gain income and job security by demanding higher wages, entitlement payments, non-discrimination against union members, and the rehiring of retrenched workers. The Cambodian Institute of Development Studies (CIDS) press release stated that most of these recent strikes have been unsuccessful for workers, consequently affecting industrial relations adversely, and undermining the capacity of factories and the stability of the garments sector (CIDS, 2009). The government has permitted all peaceful labour demonstrations in the past four years. It has shown restraint, even in the face of some demonstrations that turned violent. But this posture also elicited criticism from the garments industry. The latter accused the government of passivity amidst violence and damage to property that arose during labour demonstrations in 2000, 2001, and 2002.

Most but not all strikes stem from workers' complaints that employers do not comply with the Labour Code. Cambodia's unions have developed the ability to express their grievances in terms of alleged violations of the Labour Code, while demonstrating more mature dispute resolution strategies as well as greater restraint than in the past. This increasing sophistication reflects the benefits of the training provided by global unions such as the Building and Woodworkers International (BWI) and other UN agencies or NGOs such as the ILO and the American Centre for International Labour Solidarity (ACILS), which re-established a presence in Cambodia in 2001. This sophistication can be seen from the number of labour disputes settled in favour of the worker or of the union. Even without the benefit of a CBA the CCTUF for example was able to demand for improved working conditions including severance pay for construction workers at SOPHIA and World Monument Fund (WMF) companies when

their worksites closed. Wage increases were successfully attained for workers of the WMF, Artisan d' Angkor and the like.

But despite the Constitutional and Labour Law guarantees of workers' rights to organise and strike, in practice these rights have been highly violated. Union leaders are arrested without charge or with defamation. Courts are used in cases involving crack down on unions and their leadership, violation of union rights, tearing up contracts, illegally firing at and killing union leaders/ activists, and so on.[6] However, latest ILO synthesis reports indicated lesser proportion of the factories monitored interfering with the freedom of association (3%) and engaging in anti-union discrimination (4%).

3. The right to bargain collectively

The Labour Code also provides for the right to bargain collectively. The main purpose of a Collective Bargaining Agreement (CBA) is to improve the working conditions of workers over and above the minimum labour standards established by law. Otherwise, there is no added value for the workers to participate in the process of CBA negotiation.

The law obliges the employer to negotiate collective bargaining agreements with unions with the Most Representative Status (MRS). In view of the existence of more than one union in an enterprise, the union with the greatest number of members (and where the number is enough to oblige the employer to negotiate) will get MRS. This requirement of the law was further expanded by the Prakas[7] and a notification.[8] Recently, MoLVT issued a new notification[9] which required more information about the reasons for applying for Representative Status (RS)/MRS, such as the program and planned activities of the applying unions, or if they are capable of providing services to their members and complying with the RS/MRS registration procedure (identification of the trade union federation they are affiliated).

MoLVT started to issue certifications for both RS and MRS since 2002. By the end of 2009, a total of 202 RS/MRS certifications had been issued. Since 2004, however, only MRS certifications were issued, at the average

of eight certifications per year between 2004 and 2007. The last two years of 2008 and 2009 have seen a significant increase in the number of MRS certifications at the average of 35 per year. This increase may be attributed to the intervention of the ILO Dispute Resolution project that assisted the Ministry in its issuance of the new notification clarifying the MRS certification procedures, which took effect on April 22, 2008 and provided training to trade unions and employers on the significance and the procedures for applying for this status. During the first quarter of 2010, five more MRS certifications have been issued.

Table 4. MRS Certifications, 2002-2009

Year of Certification	2002-2006	2007	2008	2009	Total
Number of MRS	122	9	36	35	202

Source: Ministry of Labour and Vocational Training, 2010

Yet, because of the weak capacity of Cambodia's labour unions and the difficulties they have faced in recent years in winning the right to negotiate with management, the practice of collective bargaining has not yet begun on a significant scale. In 2003 for example, the MoLVT registered only 20 collective bargaining agreements. Between 2007 and 2008, there was a reported increase in the number of CBAs registered at an annual rate of 15 compared to the average of 11 CBAs per year between 2003 and 2006. The number skyrocketed to 131 in the 2009 alone. In the first quarter of 2010, 24 additional CBAs were registered. However, it is estimated that about half of the CBAs were concluded by shop stewards, and about two-thirds of the remaining were concluded by minority unions. In addition, these CBAs deal mostly with a single issue and on an ad hoc basis rather than through an orderly negotiation bargaining process. Therefore it is estimated that there were only about 30 high quality CBAs concluded by MRS unions across all sectors.

Table 5. Number of CBAs Registered at MoLVT, 2003-2009

Year of certifying	2003-2006	2007	2008	2009	Total
Number of CBA	45	19	11	131	206

Source: Ministry of Labour and Vocation Training, 2010

4. Working conditions

(a) Wages and working hours

Wages in Cambodia are set by market forces, except for the salaries of civil servants, which are set by the government. Pursuant to the Labour Code, the MoLVT has the right to establish minimum wages for each sector of the economy based on recommendations by the Labour Advisory Committee (LAC). These minimum wages do not vary regionally; workers in both Phnom Penh areas and in other provinces receive the same minimum wage.

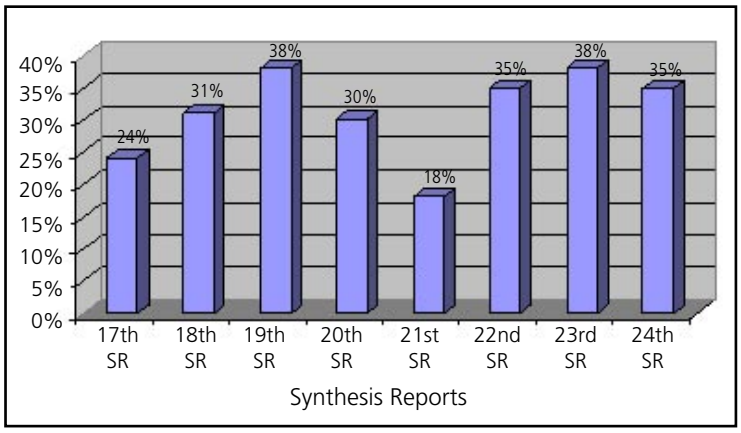
A monthly minimum wage of US$45 was set for the garments and footwear sectors in 2000. In 2006, the wage was increased to US$50. In July 2010 it was decided by a 20/25 vote of the members of the LAC to increase the minimum wage by US$11, of which US$5 will apply to the pay and the US$6 to the cost of living allowance (COLA). Hence, casual workers and those on probation are entitled to US$56 a month while regular workers are entitled to $61 a month. This new minimum wage became effective on October 1, 2010 and is valid until its review in 2014.

However, the government's entry to intervene into minimum wage negotiations between the unions and the GMAC created doubts among national and international observers. At the time of writing, many workers from garments factories went on strike to express their disagreement on the low wage increase. They also demanded a higher increase to meet their costs of living. CLC, the independent national Centre, led the national strike and also planned to conduct a rally to protest the small increase of the minimum wage approved by the LAC.

Workers and unions decried the lack of transparency in negotiation in the LAC. Many union representatives in the LAC are pro-government and are therefore ready to accept suggestions and decision from government. So far the government has failed to come up with minimum wage rates for other industries. Without an established minimum wage that can cut across industries and location, it will be difficult for workers and their unions to negotiate for better wages.

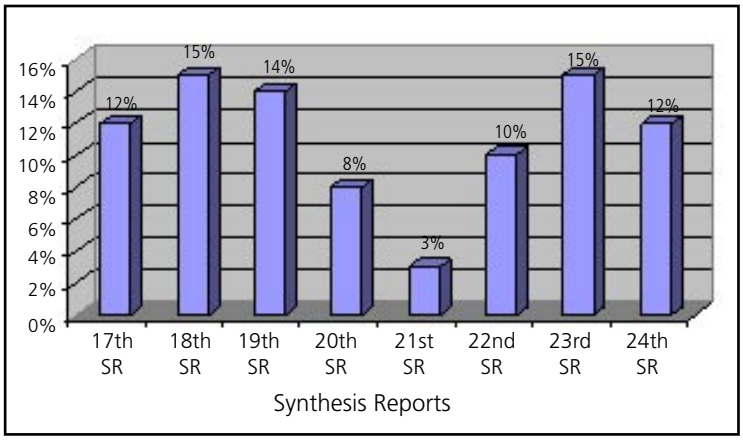
The Labour Law sets that the standard working hour is eight hours per day and 48 hours per week. The working-week must include a period of 24 consecutive hours of 'time-off'. Despite the limitation of working hours, the law recognises overtime work in cases of urgent need. According to a MoLVT letter, overtime is usually allowed for a maximum of two hours per day. In practice, these provisions are hardly complied with as workers tend to work more hours as much as possible to earn more money. The factories which limit the working overtime, on the other hand, tend to lose workers from day to day. The compliance rate on limits to the 2-hour overtime[10] per day is very low, averaging just 24% in 2006, 31% in 2007, and 38% in 2009. The lowest point of compliance on excessive overtime according to the 21st Synthesis Report produced in 2008 is 18%. Worst, the rate of compliance of exceptional overtime provision is only 11% by the factories monitored in the ILO 17th to 24th Synthesis Reports.

Figure 3. Excessive Overtime Work (More than 2-hour limit per day)



Source: BFC's biannual synthesis reports

Figure 4. Exceptional Overtime



Source: BFC's biannual synthesis reports

(b) Occupational health and safety Issues

The Labour Code states that the workplace must have health and safety standards adequate to ensure workers' well-being. The government has issued several instructions on workplace standards, including two new regulations in 2001 related to occupational safety and health. However, the government enforces existing standards inconsistently, in part because it lacks staff, equipment and training. The number of labour inspectors outside Phnom Penh is limited, with no more than four labour inspectors per province. However, 1,287 labour inspections were conducted during the first 11 months of 2001 (Almazan, 2008). The Department of Occupational and Health inspected the hygiene and safety conditions of 682 enterprises 1,225 times.[11]

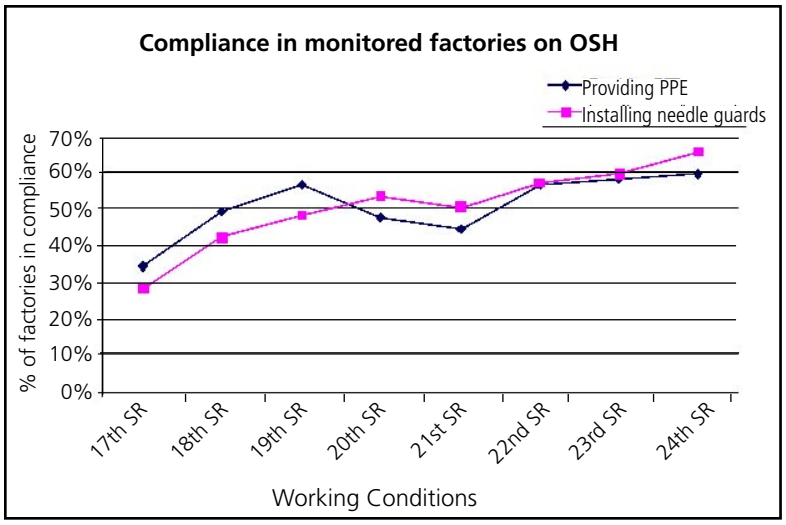
Work-related injury and health problems are common. For example, in the BWI 2008 survey among construction workers, respondents reported encountering the following work related health issues: "asbestos" or dust related hazards (67.3%); work related accidents (40.6%); toxic chemicals (29.7%); infectious diseases (22.8%); lack of safety gear (18.8%); unsafe equipment and stress (7.9%); unsanitary workplace (5.9%); and others (5%).

A significant majority (72.3%) reported that their firms do not have any established Safety Committee in their workplace that takes charge of ensuring compliance to occupational health and safety standards (BWI, 2008).

Company management commonly puts the blame on workers for accidents that occur in the jobsite which they attribute to lack of discipline. However, trade unionists countered that many contractors have little incentive to take measures to avoid accidents or use safety equipments such as hard helmets, work boots or safety harnesses because there are no laws that force them to ensure the safety of their workers.

In the garments sector, while it is true that garments factory work is not particularly pleasant and that working conditions in Cambodian garments factories are not uniformly good, most factories generally have quite sound working conditions. Most factories have acceptable ventilation, were reasonably clean, and had adequate if not necessarily good lighting.[12] Organic factory growth meant that some of the factories did not seem well structured and this presented a clear safety issue but this did not attract criticism from workers or unions. As highlighted by the *Women and Work in the Garment Industry* research, factory structures are probably far less dangerous than the trip to or from work. Nonetheless, many workers express concern regarding the safety of chemicals and electrical equipment. On the basis of the findings of the *Women and Work in the Garment Industry* research, such concerns seem both reasonable and consistent with worker attitudes throughout the garments sector. Concerning the trend of compliance in the export garments factories that are monitored by Better Factories Cambodia (BFC), the compliance rate on providing personal protective equipment rose from 28% to 65%, and on installing needle guards from 34% to 59% between the 17th and 24th Synthesis Reports respectively.[13]

Figure 5. OSH Compliance in Monitored Factories



(Note: PPE stands for Personal Protective Equipment)
Source: BFC's Synthesis Report

(c) Severance pay and other benefits

The Labour Code states that terminated workers covered by labour contracts are entitled to severance pay proportional to both the wages and the length of the contract. The exact amount of the severance pay is set by a collective agreement. If nothing is set in such agreement, the severance pay is at least equal to five percent of the wages paid during the length of the contract.

The BWI 2008 survey in the construction industry probed the issue of severance pay among the workers covered. When asked whether they receive any severance pay in cases of resignation, termination or retirement, a large majority, 73.3 percent said they do not get any pay if ever they resign. Of those who said "yes," about 20 percent said they could only get a month of pay per year of service. Others indicated they receive three months pay at maximum.

5. Social protection coverage for workers

The Law on National Social Security Fund (NSSF) was enacted on March 7, 2007. It aims to provide all workers in Cambodia with social security coverage related to disability, old age, death and accidental risk at work. The NSSF secretariat has accommodated 983 enterprises by the end of 2009 with 397,046 (343,291 females) registered workers. Among these workers, 351,980 (316,842 females) worked in the garments and footwear industries. There were 884 enterprises that paid the contributions accounting for 98.9%. There were 2,652 cases of occupational risks reported. Based on a survey (MoLVT, 2010), there were 2,423 occupational injuries and 2,223 minor injuries, 176 were serious and 16 were fatal. There were 163 non-occupational injuries[14]. The main problem at this point is that a large majority of workers are not covered by the law. This is because many of them belong to the informal sector, including workers in the construction industry. Furthermore, the system of implementing the law especially in the context of a highly informalised construction industry has not yet been put in place.

Be that as it may, some unionised companies under the CCTUF are reportedly providing their own insurance benefits for workers. The 2008 BWI survey revealed that some of the restoration companies are providing some form of insurance coverage for their workers. In fact, 77.2% of respondents replied that they enjoy insurance coverage courtesy of their company. Those who were enjoying some insurance coverage indicated that they were covered by accident insurance (96.2%), health (55.1%), and death insurance (21.8%). However, a significant number (43.5%) of respondents were not too satisfied with their insurance coverage.

The landscape of industrial relations

The government, unions, union federations and employer associations are key actors in the industrial relations system in Cambodia. Unions, according to their bylaws, represent or accompany their members in grievance procedure in the enterprise and in the dispute resolution procedure defined by the Labour Law. Also, they bargain with employers for the interest of their members. Significantly, unions have challenged

employers for fair working conditions, benefits and rights. The unions found a new strategy in working with NGOs to get more support in developing their strategies and proposals to employers. Furthermore, unions are consulted on occupational, health and safety issues, and have also participated in drafting labour regulations and revisions of the current Labour Law.

At the policy level, a tripartite labour regulation institution, the LAC[15], was established with representatives coming from relevant ministries, trade unions and employers. The LAC meets twice a year to study, consult and respond to issues related to labour, employment, wages (including minimum wage formulation), vocational training, migration, improvement of material and moral conditions of workers, and health and safety. Over the past few years, another emerging non-tripartite but powerful institution was also set up, the Industrial Relations Working Group, better known as the 8th Ministerial Working Group. This working group was established to have discussions at a technical and policy level on labour related issues between the government and private sector with the participation of trade unions, and with ILO giving advice to identify issues and recommend solutions to the public sector. The working group makes a report twice a year and presents in a special formal cabinet meeting chaired by the prime minister. Decisions that emanate from this meeting become binding.

1. Dispute resolution

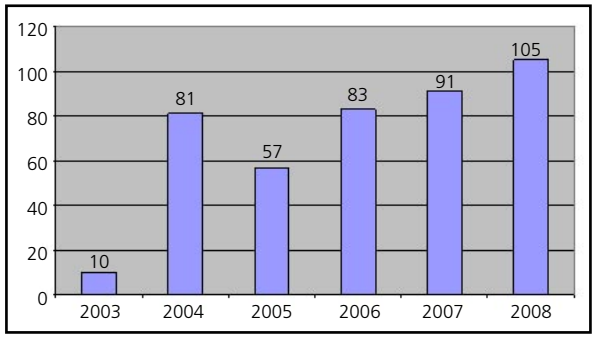
In addition to governing and issuing labour regulations, the government through the Ministry of Labour has played an important role in the process of dispute resolution as a conciliator for both individual and collective labour disputes. However, the government is not involved in the process of collective bargaining[16] except in the registration of MRS unions and the agreements resulting from bargaining.

Parties to collective labour disputes are given one more opportunity to resolve their dispute peacefully before conducting industrial actions. The Arbitration Council (AC), established in May 2003, asks parties for mediation before arbitration. Here, parties are allowed time to improve their relationship and, hence, less confrontational. AC has been seen as

neutral, speedy, and popular. It is a tripartite structure with equal number of representatives from workers, employers and the government. Decisions take only two weeks from the time the case is submitted.

From May 2003 until the end of December 2008, AC had processed 427 industrial disputes.[17] Of these, 2% of the cases took place in 2003, 19% in 2004 and 2006, 13% in 2005, 21% in 2007, and 25% in 2008. There was a sharp increase of industrial disputes (17%) in 2004, compared to the number of cases in 2003. However, with the end of the garments quota regime by the end of 2004, there was a 6% decrease in collective disputes in 2005. The number of collective disputes went up again after 2005: 6% in 2006, 2% in 2007, and 3% in 2008.

Figure 6. Total number of cases handled by the Arbitration Council, 2003-2008



Source: Arbitration Council

There are two types of arbitral awards, binding and non-binding. These types of awards are optional to the disputing parties. The regulation on the Arbitration Council and the Process for Labour Dispute Resolution in Cambodia provides an outlook on the enforcement of arbitral awards. An award will be enforceable immediately if:

1. The parties have agreed in writing to be bound by the award; or
2. The parties are bound by a CBA which provides for binding arbitration.[18]

Once the award becomes enforceable the Labour Inspectorate will assist in its implementation.[19] If either party refuses to abide by an enforceable award, then the other party can ask the court to enforce the award.[20] This is not an appeal. The court should not look in detail at the factual or legal aspects of the case and it can only refuse to enforce the award in the strictly limited circumstances set out in Article 47 of Prakas No. 99/04.

To refuse enforcement, the court must rule that the award was unjust because of procedural irregularities or because the AC made an award which went beyond the power given to it by law.

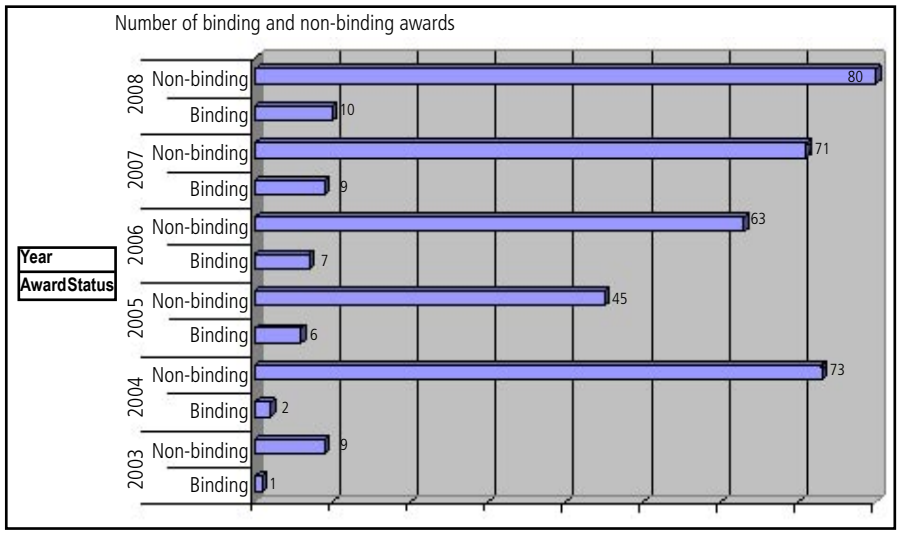
A party that does not wish to be bound by an award of AC may file an opposition with the Secretariat within eight calendar days of receiving notification of the award.[21] Filing an opposition to an award makes the award unenforceable.[22] If neither party files an opposition to the award within the time permitted, the award will be enforceable.[23]

Each year from its establishment, the Council issues an average of 62.27 awards, both binding and non-binding. The binding awards accounted for only 9% on a yearly basis while the non-binding awards made up 91%.

If one party chooses non-binding, the type of the award is automatically accepted although the other party opts otherwise. This is why majority of awards are non-binding as parties especially employers choose the non-binding.

In the absence of a labour court, disputing parties choose AC. AC offers its service free of charge since it is funded by the ILO. Up to now, about 800 cases have been registered by the council. Of this, over 500 led to awards that had been handed down while the rest had been successfully reconciled.

Figure 7. Types of arbitral awards issued by the Arbitration Council, 2003-2008



Source: Arbitration Council

There are two types of disputes: rights and interest, and individual and collective disputes. AC only addresses collective and right disputes as there is no basis to judge disputes involving interests while only a court has jurisdiction over individual disputes. Although AC has played a very important role in meeting the demand for labour arbitration, there are some shortcomings. One, individual disputes are left in the hands of ordinary courts which do not enjoy the confidence of the public and do not have the expertise to hear individual labour disputes. Second, most of the awards are non-binding so parties are not bound to follow the judgment. Moreover, even if the award is binding, if one party does not honour it the other party has no recourse but to seek remedy before ordinary courts, defeating its purpose. This necessitates the development of a specialised labour court.

2. Enforcement of labour standards

Labour inspection is another important area in industrial relations. The Ministry of Labour is mandated by law with monitoring working conditions, conciliating disputes, advising for corrective actions by the involved parties, and taking actions against non-compliance and persistent negligence at all working places. However, the Ministry has many constraints both in terms of human and financial resources, making these functions almost unfulfilled. There are few skilled inspectors who have the capacity to do it effectively. This limited number of inspectors somehow explains why monitoring is almost nonexistent. The issue of widespread corruption and the ineffectiveness and inefficiency of some government employees add up to the failure of monitoring. Only in garments factories where some level of conciliation service is provided by the Ministry of Labour officials has something been done with respect to factory inspection. Inspection of garments and shoe factories, however, is being conducted by the ILO Better Factories Cambodia which monitors conditions, gives advice, and provides training to management and unions on workplace cooperation. However, this is limited to garments factories producing goods for export. Unmonitored factories, meanwhile, still suffer from poor working conditions and curtailed rights.

Nonetheless, there are other interventions by the government that promote labour law and labour standards enforcement, albeit limited. One, the government has publicly taken labour standard compliance as a competition strategy. This is built from the good reputation gained as a result of improved working conditions due to the monitoring program. Two, there is the agreement and support of the ILO Better Factories Cambodia and the establishment of AC. Three, ILO monitoring has been made obligatory to employers. The government has also been supportive of the ILO monitoring program, mobilising funds with and from intervention organisations, and promoting labour law enforcement and labour standards by taking a lead role in improving the legal framework. As of writing, the Ministry of Labour is preparing to draft a trade union law, with the participation of social partners and the ILO. The labour court is also planned to be established in the near future. As for social safety nets, the law on social security was passed in 2002 to provide a framework

for this policy and established the National Social Security Fund (NSSF), a public, legal and financially autonomous entity. The NSSF is meant to alleviate the difficulties of old age, disability, death, work risks, and other incidents such as maternal illness. The NSSF is supervised by a tripartite governing board consisting of high ranking public officials from relevant ministries and representatives from both employers and workers, and presided by an official from the Ministry of Labour. It is noted, however, that there is little awareness of the details of this policy among unions, employers and the government. By the end of 2009, only around 983 enterprises employing 397,046 workers which make up about half of the target enterprises for contribution to the fund are contributing to the fund.[24]

The Cambodian Federation of Employer and Business Association (CAMFEBA), the only collective voice representing employers in various sectors, plays a significant role in representing their members' interests, advising them on the issues related to working conditions, benefits, and workers' rights. It is also working with the government to ensure the facilities of its member's businesses.[25]

There are also a number of NGOs working on worker's rights issues mainly by conducting training and consultations with all stakeholders and advocating for good regulations.

The US-Cambodia Bilateral Trade Agreement of 1999 and Better Factories Cambodia

The United States-Cambodia bilateral trade agreement forged on January 20, 1999 was another push factor in the promotion of workers' rights. Part of the agreement called for improved recognition of labour rights as a condition for increased and continuing trade. The initial three-year Trade Agreement on Textile and Apparel set an export quota of up to 14% for garments from Cambodia to the United States, contingent on improvements in working conditions and adherence both to Cambodia's Labour Code and to internationally recognised core labour standards.

To track improvements in working conditions, the governments of the US and Cambodia jointly requested ILO's technical assistance to implement the 'social clause.' Following extensive consultations with the major stakeholders--the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSALVY), the Garment Manufacturers Association in Cambodia (GMAC), the Cambodian trade union movement, and the government of the United States--the ILO began to implement the Garment Sector Working Conditions Improvement Project in January 2001 (Miller et al: 2007: 1). The principal objective of this project was "to improve working conditions in Cambodia's textile and apparel sector via the establishment of an independent system for monitoring working conditions, assist in drafting new laws and regulations where necessary, and develop awareness and capacity for employers, workers and government officials to ensure greater compliance with core labour standards and Cambodian labour laws" (ibid).

Under this project, the ILO was to assist and supervise compliance for a period of three years from 1999 to 2002. This was extended to December 2004. Later on, the program was renamed the Better Factories Cambodia program (ILO-BFC) with an initial three-year plan (2005-2008) to hand over its tasks to a tripartite body composed of government, employers and unions to assure continued compliance. The program was further extended for another two years or until 2010 as it was assessed that the continuance of the program could not be successful without continued ILO direct input (Ryan and Suson, 2010).

The US-Cambodia bilateral agreement pushed for the influx of foreign investment. The value of Cambodia's textile exports rose rapidly from $26 million in 1995 to $1.6 billion by 2004 and to over $2 billion by 2006, with around two-thirds going to the US and the remainder to the European Union (Better Factories Cambodia, 2006). By 2004, over 320 garments and shoe factories were operating in Cambodia. In 2007, 75% of exports went to the US and 22% to Europe, totalling about $2.7 billion and making the garments industry worth over 80% of Cambodia's exports (ibid).

According to Ryan and Suson, "Under the years of the ILO monitoring program, Cambodia can proudly say that the garments industry in general

is free of child labour and that the industry is the most transparent relative to other industries in Cambodia, and in comparison to other garments industries in the region" (ibid).

The Synthesis Reports of the ILO show ongoing improvements in compliance, which is about over 85% in many areas. However, as the most recent (20th) synthesis report noted, there have been some areas that have decreased in compliance since the 19th synthesis report and one could argue that some aspects related to factory conditions are therefore deteriorating.

A study by Brown et al. (2008) tried to find correlation between BFC and improvement of working conditions. The authors noted the following:

> Post 2005, the continued growth of the sector was seen to be due to sustained buyer commitment and support for the BFC programme. It is also assumed that the continued government requirement for monitoring for export factories would be a key factor as well."
>
> For buyers the BFC programme is very important and many mentioned that they wanted the 'ILO seal of approval'. Clearly there have been achievements in working conditions in Cambodia if most factories are now 85 to 90 per cent compliant in most areas.
>
> However, if factories that have only been monitored one time are also showing the same level of compliance as those who have been monitored many times, it raises a question as to whether we can attribute this change to monitoring.
>
> While monitoring in and of itself is unlikely to bring sustained change, training and capacity building has been a key component of the BFC programme. A few of the manufacturers we spoke to were more positive about the training than they were of the monitoring and in particular noted the workplace cooperation and communication skills as beneficial for their factories.

> Many stakeholders noted the increased transparency that exists in Cambodia as an extremely positive outcome of the BFC programme. At the same time, there was concern over the situation regarding sub-contracted factories where no data exists. Only those factories that export are required to participate in the monitoring.

Miller et al. (2007: 22) lament that despite the unprecedented nature of BFC, "in a number of key respects, however, the garments sector in Cambodia still remains essentially no different from the industry in other parts of the world: factory owners continue to mount dogged resistance to the establishment of collective bargaining in the workplace and demand excessive overtime from their workers for less than a living wage."

Nonetheless, there is no doubt about the positive impact of the US-Cambodia trade agreement on textile and apparel and of the ILO's BFC on improving compliance to the labour law and labour standards, including the recognition of the right of workers to organise.

The entry of labour support organisations

The emergence of non-government organisations (NGOs) and the entry of international labour organisations in Cambodia was another factor in the development of trade unions in the country. A number of local and international NGOs started to provide political and technical support to workers in forming and running their workers' organisations. Political support included convincing the government and authorities to tolerate and assist the formation and operation of unions and worker activities. Technical ones included training and support to the operation of their organisations. Human rights promotion agencies like UNHCR (United Nations High Commissioner for Human Rights in Cambodia) indicated their commitment to the human rights situation in Cambodia where labour rights are is a component. The work of these NGOS and international bodies have contributed to a better understanding about democracy and human rights both for the government and other involved parties.

These NGOs and international organisations gave intensive training on rights, strong union leadership, and union organising, as well as facilitated and helped union work including organising, dispute settlement, and other promotions. Their contribution was very important as union leaders who came from the shop-floor did not have adequate knowledge and skills on these areas which were important for union functioning. Moreover, as the environment at that time was not conducive for union activists, these NGOs to some extent served as shield for activists and union leaders.

1. ILO-WEP (International Labour Organisation-Worker Education Project)

The ILO recognises that the key engines for socioeconomic development are strengthened labour institutions operating in an industrial relations environment which enables freedom of association, legitimate and recognised tripartite representation and independent trade union activities. As the Cambodian free labour movement started in 1997, the ILO also began capacity building and social dialogue activities with the country's young and inexperienced unions.

Since 1998, ILO's educational services for trade unions have reached numerous national and enterprise union leaders, union educators, and rank-and-file union members. Assisting partner union federations, the ILO has strengthened union structures and executive capacities and supported the development and implementation of organisational development plans. Training of trainers workshops have been conducted to advice on training methodologies and educational programme planning and execution. Technical assistance has been extended as well to the Inter-Union Education Committee to identify training gaps and develop detailed action plans for union education. Promoting unionisation across industries and training workers in the garments, construction, tourism, transportation and civil service sectors have emphasised further the concepts of workers' rights, union member responsibilities, and union leadership. In 2008, 31 union leaders, 78 union educators and 1,852 union members participated in these activities.

With ILO support, trade unions have become activists for disadvantaged groups such as informal economy workers, working children and women. With specific organising strategies and specialised services for members, more trade unions have expanded membership to beer promotion girls, motodop and tuk tuk drivers, street vendors, fishermen, and farmers. To mobilise union support for Cambodia's child labour reduction goals, the ILO also consults closely with the Inter-Union Committee against Child labour to develop action plans and improve the consistency of child labour training manuals. Women leadership in unions have been strengthened further as the Cambodian Women Movement Organisation obtains technical assistance from the ILO to strategise the establishment of workplace women committees and support existing women leaders. These efforts serve to expand union representation of formal and informal workers and strengthen union capacity for addressing organisational weakness and coordinating collective positions.

ILO-WEP has also been the key organisation that facilitates and coordinates with all the union federations in Cambodia. ILO-WEP has been in existence for over ten years and facilitates training in basic trade union principles, organising, and collective bargaining. ILO-WEP also facilitates the discussion among unions regarding key policy changes in labour law and preparing unions to be able to participate hopefully as a cohesive bloc in tripartite settings such as LAC and the 8th Working Group on labour law reforms. All current union federations and associations in Cambodia participate in the ILO-WEP project with the exception of CITA and FTUWKC who both opt out from participation formally.

2. The Solidarity Centre in Cambodia

As early as 1992, the Asian-American Free Labour Institute (AAFLI) started operating in Cambodia. With funding from the United States Agency for International Development (USAID), AAFLI started work in 1993 on developing a labour relations system and promoting worker rights in Cambodia. It sought to increase the capacity of the government, as well as NGOs, to make workers aware of freedom of association and other basic rights, and to learn how to exercise those rights (USAID 2009: 32).

The USAID-funded AAFLI continued its work for the next five years until it closed its office in the wake of the 1997 coup d'état, and ended its programs in Cambodia in 1998. A major focus during AAFLI's five year period was the development of the country's first modern Labour Code, which was enacted in 1997 in an effort to qualify for US trade benefits. The garments industry had already begun its substantial growth by 1998.

In 2000, with USAID support, Solidarity Centre (SC) began its operations in Cambodia. Solidarity Centre, formerly the American Centre for International Labour Solidarity (ACILS), was established by the AFL-CIO in 1997 to promote independent and democratic labour unions around the world and to raise awareness of abusive working conditions, particularly in less developed countries.

Solidarity Centre began with the education and training of workers in the garments sector, which, under the 1999 US-Cambodia Bilateral Textile Agreement, was subject to export quotas that would be increased annually if Cambodia's factories achieved substantial compliance with its labour laws and internationally established labour rights.

SC spread its focus beyond the garments sector to tourism, construction, agriculture, health care, and the informal sector.

The USAID highlighted the significant accomplishments of Solidarity Centre (2009: 34):

- AAFLI [Solidarity Centre's predecessor] played a significant role in the drafting of the 1997 Labour Law.
- SC has actively and materially supported the creation and strengthening of more than 20 unions and federations.
- SC has emphasised the importance of CBAs and promotes an approach to labour-management relations based on negotiation and compromise.
- SC has supported the skills development of union leaders, particularly women leaders. It has also supported the formation of a women's labour group.

- SC supports coalition building among labour, human rights and development NGOs and student groups. (e.g., SC helped organise May Day and helped the Youth Council to get involved.)
- SC helps Cambodian federations participate in the formulation of laws and regulations affecting labour. (e.g., according to the Community Legal Education Centre [CLEC], SC has played an important role by involving unions in the revision of the law on public assembly.)
- SC has helped Cambodian federations establish beneficial relationships with garments buyers and international labour federations.

3. The LO/FTF Council (Danish trade union council program)

The LO-FTF Council has been supporting the development of the Cambodian trade union movement since 1999 when the Cambodian trade union movement was included in the regional "Workers Education Project" (1999-2002). The regional project was implemented by the then International Confederation of Free Trade Union-Asia and Pacific Regional Office (ICFTU-APRO) (now International Trade Union Confederation-Asia and Pacific (ITUC-AP)) with support from the LO-FTF Council.

Based on positive experiences with the ITUC – AP regional programme, the LO-FTF Council and the partner organisations initiated a bilateral cooperation with current partners, CCTU and CLC in 2003, of which, the main achievements so far can be summarised as follows:

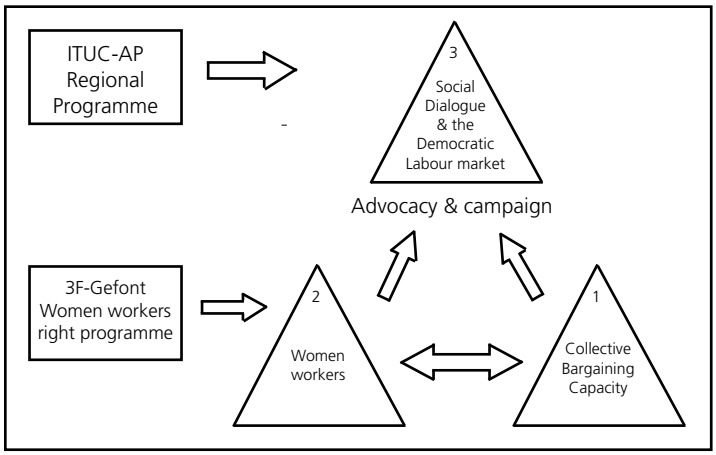
- *Project implementation structures established* - A National Project Committee (NPC) has been established in close cooperation with representatives from all major trade union federations (including the CCTU and CLC), the ILO and other donors and stakeholders.
- *Improved membership services* - Through membership meetings at the plant level more than 2000 members and local trade union leaders have been trained as part of raising awareness among workers about their rights and provide local trade union leaders with basic skills to negotiate better conditions on behalf of the members.
- *Development of trainers and education structures* - A total of 70 trainers have completed their training in pedagogical methods and

are capable of reaching out to members and trade union leaders with low level of literacy to enhance awareness and skills.

- *A substantial number of education materials (booklets and manuals)* have been produced and translated into Khmer. This includes training manuals for trainers' training, a booklet on "Production of Low Technology Materials," and learning packages on Basic Trade Unionism, Grievance Handling and Collective Bargaining.

Currently, LO/FTF support to the Cambodian labour movement is continuing, through the LO/FTF Council Regional Programme in Asia, under the ITUC-AP and Cambodia Component.

Figure 8. ITUC-AP and Cambodia Component



Under the ITUC-AP component, the objective is to develop and strengthen existing social dialogue forums in Cambodia about points of departure from the development and implementation of the Labour Law. Participating Cambodian national trade unions are to produce, based on an earlier baseline study, strategy and action plans for labour law reform interventions. The Cambodia component of the LO/FTF Council Regional Programme in Asia, on the other hand, consists of three strategic focus areas: 1) Collective Bargaining 2) Women Workers' Rights; and 3) Social Dialogue and the Democratic Labour market.

4. The Community Legal Education Centre (CLEC)

The Community Legal Education Centre (CLEC) was created in 1996 as a legal resource centre, promoting the rule of law, justice and democracy in Cambodia. From 1996 to 2001, CLEC operated as an arm of the University of San Francisco's School of Law, funded by USAID. In December 2001, CLEC became a locally registered NGO.

CLEC's Labour Program Unit (LPU), formally known as the Workplace Relations Group, has worked on issues relating to Cambodian labour law and industrial relations since 2002. The LPU has as its overall objective the upholding in all employment sectors of good working environment in which labour rights are respected, labour law obligations are complied with, and labour disputes resolved peacefully and fairly.

Most of the LPU's current work involves training key stakeholders in Cambodia's employment sector, including union members, management, government representatives, police forces, attorneys and judges. The LPU is also actively involved in the production and dissemination of numerous publications and training materials on labour rights, obligations, and other labour related issues.

By training for labour rights defenders and union leaders, the LPU aims to increase their individuals' capacity to promote respect for workers' rights, better compliance with the Labour Law, and improved workplace relations--particularly through collective bargaining. The LPU also seeks to improve workers' knowledge of their rights and the regulatory framework governing those rights.

The LPU currently partners with the Labour Dispute Resolution Project of ILO and Better Factories Cambodia to develop and conduct training on labour issues, primarily in Cambodia's garments sector. As an indication of the strength and quality of its work, the LPU has been awarded monitoring contracts with international companies, including Nike and Reebok. It has also worked closely with ILO in establishing and supporting the highly-respected Arbitration Council.

5. The Cambodian Labour Organisation (CLO)

The Cambodian Labour Organisation (CLO) started operating on July 25, 1995 as a local labour NGO with the objective of building and defending the living and working rights of workers through the support of Cambodian trade unions. The organisation had two main programs. First, it monitors and analyses the working and living conditions of workers. Second, it organises union establishment oriented trainings and assists in the establishment and functioning of free and independent unions. The key funding support for the organisation came from Oxfam Solidarity and FOS in Belgium. When AFFLI left Cambodia in 1997, it donated its office facilities to CLO. CLO contributed substantially to the formation and functioning of free and independent unions, what is referred to as the third current of the unions. CLO ceased operation in 2005 due to the financial crisis.

6. The Friedrich-Ebert-Stiftung

The German political foundation Friedrich-Ebert-Stiftung (FES) has started its engagement in Cambodia since 1994. Its program aims at contributing to the promotion of Cambodia's regional integration as well as the capacity building of multipliers from the civil society and the labour movement. These multipliers shall be allowed to actively participate in the shaping of a democratic society and social justice. The Cambodia program is coordinated by the FES Office for Regional Cooperation in Asia based in Singapore.

Social justice is a central pillar of social democracy, which is a core value of FES. Trade unions are considered key actors in promoting democracy and social justice. Promoting social dialogue and labour relations based on social partnership and thus promoting trade unions is one of the foremost tasks of FES' international activities in approximately 100 projects worldwide.

Since the beginning of its work in Cambodia, FES has been pursuing to support free and independent unions and strengthening their role as a lobby group for working people and as a strong democratic force in

society. Moreover, trade unions are encouraged to get more involved in global issues. Initially, FES started its trade union support with the FTUWKC upon its formation in 1996. In subsequent years, FES also included other trade union organisations in its work.

In cooperation with the Asian and Pacific Regional Organisation of the International Textile, Garment and Leather Workers' Federation (ITGLWF-TWARO), FES has been providing capacity building for trade unions mainly in the garments sector. Leading trade unionists of several federations obtained regular training on relevant topics such as negotiation skills, social security, corporate social responsibility, gender and basic economic knowledge. In several FES-commissioned studies such as the Living Wage Survey, union representatives were trained to collect relevant data at the factory level. Based on the findings of those studies, FES supported seminars that prepare trade unionists to effectively formulate their arguments and present their positions convincingly. Besides training courses for trade unions, FES also organises multi-stakeholder social dialogues with industry actors, where trade unions are involved as one of the key dialogue partners.

A current major project of the FES in Cambodia is a comprehensive empirical study about the past and current development of the labour movement in Cambodia. This study analyses the strengths and weaknesses of the Cambodian trade unions and identify their potentials for sustainable development. [The results of this study are now contained in this book].

7. Other international labour support organisations

In addition to the above organisations, the following international/regional organisations also have labour programs in Cambodia.

Table 6. Other international labour support organisations

Organisations	Partners	Projects
BWI, SASK, LO-Norway	BWTUC	Trade union strengthening: organising, CBA, and unification of CCTUF/ CFBW, OSH
BATU/WCL, Oxfam-Belgium, Oxfam Hong Kong	Cambodian Labour Confederations: CCAWDU, CICA, CTSWF Cambodian Confederation Union: CITA	Capacity building
EI, Lararforbundet, AFT	CITA, NEAD	Capacity building is currently under review
ITUC-APRO	CCTU/CLC/CCU	Union cooperation
WSM, CNV	CLC, CCAWDU, CFSWF	Capacity building
IUF	CTSWF, CFSWF	Capacity building
PSI	CICA	Capacity building
TWARO (ITGLWF-APRO), ITGLWF	CUF, CLUF, CFITU, NIFTUC, CCAWDU, CWLFU, TUWFPD	International linkage

Source: ACILS, 2010.

Political parties and trade unions

Political parties are very much involved in the labour movement. Political parties to some extent also contributed to the development of unions albeit with strong political influence. This in a way strongly identifies each major union organisation with a political party in Cambodia. For some of these political parties, unions are needed as a prop to their authority because unions have been used to channel popular unrest and as base for party politics and elections. Many unions with political connection often work to serve the agenda and interest of the parties they support. Unions which are aligned with the ruling and the opposition parties are involved in campaigning for party candidates during elections.

The ruling party, Cambodian People's Party (CPP), allowed unions to exist freely albeit with some control by the government. It provides operational or financial support to many unions which have aligned themselves with it. Such support is, however, not officially articulated.

Also, CPP was well aware that the opposition party, the Khmer National Party (KNP), which later became the Sam Rainsy Party led by trade union leader Sam Rainsy, was interested in pushing for a labour agenda in their political campaign for support among workers. The opposition party's labour platform included improving working conditions and increasing wages. As noted earlier, with Chea Vichea, who was among the founders of the opposition party, Sam Rainsy, subsequently led the formation of FTUWKC in 1996 to support the opposition's campaign.

The inclusion of workers' rights in the political campaign agenda of the opposition party pushed for the recognition of the general public, the workers, and the government to work with workers and unions. As a result, other political parties and leaders followed suit.

The KNP was among the organisers of the 1998 mass labour demonstration of garments workers demanding pay raise, good working conditions and respect for workers' right to freedom of association.

Summary

The 1993 Constitution of Cambodia and the 1997 Labour Law provided the legal framework for the development and expansion of the Cambodian trade union movement. The involvement of key union leaders in the new politics following the shift from a planned economy to a free market economy in 1990 focused more attention to human and labour rights and the need for new governance. Nonetheless, although many unions were established and functioned independently, political parties from both left and right supported the establishment of many major unions, i.e. FTUWKC and CUF. The former is seen linked to the opposition party while the latter to the ruling party. In the years that followed, however, the relatively strong political affiliation of some of the major labour organisations has been viewed more as a sign of weakness on the part of trade unions as

their independence is undermined. Arguably, it has been observed that the relationship between some political parties and trade unions is one of union instrumentality. Unions are used as a prop to the political party's agenda that may even run counter to workers' interests. Moreover, the political party affinity of unions has deepened cleavages in the labour movement in Cambodia.

The Cambodia-US bilateral trade agreement in 1999 and other preferential treatment for export to EU were also significant for union development. First, these trade agreements included improved labour rights and conditions as a prerequisite for increased free quota for export to the US and EU. Second, they embarked on monitoring working conditions in all factories, where freedom of association was also part of the monitored items. Third, these agreements put the garments industry in the national and global spotlight as they brought interaction between all stakeholders of the industry including international labour organisations, labour rights international NGOs, consumers in western countries, international brands and subsidiary companies, manufacturers, the government, labour NGOs and workers themselves through their worker organisation representatives.

The presence of national and international labour support organisations in the country also contributed to the development of unions. These organisations have played and still are playing diverse roles according to their mandates. They not only provide capacity building to unions and support unions' labour rights campaigns, but interacted with the government and other relevant parties to promote labour rights and better labour market governance as well.

As stated above, there were serious limitations in the exercise of core labour rights especially freedom of association and collective bargaining. Wages, working conditions, OHS, and social protection are still not up to standards, particularly in many other sectors left unmonitored and/or ignored (e.g., the informal economy). To some extent, the limitation in labour law implementation and limited labour rights afforded in practice were also push factors in the development of trade unions as workers require agency and voice. Arguably, the lack or limited labour protection

particularly in the unmonitored sectors prompted the establishment of unions that seek to actively address issues and concerns within these sectors.

3 The Cambodian Trade Union Movement Today

This chapter discusses some of the distinct characteristics of Cambodian trade unions today. It also traces several factors that influenced these characteristics. An overview of existing major union organisations is also provided. Issues, problems and challenges faced by trade unions are also discussed and analysed.

Where relevant, findings of the survey component of this research project are incorporated. The project fielded two sets of questionnaires targeting select unionised and non-unionised sectors. The unionised sectors covered were garments, hotel and restaurant, rubber plantation, tobacco manufacturing, and airport services. The non-unionised (or nearly non-unionised) sectors include construction, public service, banking, telecommunications, transport service (tuk-tuk or motor taxi), and beer promotion. The fielding of questionnaires was administered by several interviewers after being oriented by the research team about the study and the questionnaire. Respondents were randomly sampled from the sectors mentioned. The interviews were done from April to May 2010.

The survey covered a total of 316 respondents. The researchers were able to interview 132 (42%) respondents from the unionised sectors and 184 (58%) respondents from the non-unionised sectors. That the non-unionised sample is greater than the unionised sample reflects the

fact that the non-unionised sectors in Cambodia are overwhelmingly far greater than the unionised sectors. Moreover, as one of the objectives of this research is to locate strategies that can expand the scope of unionisation in Cambodia, it would do well to focus more attention on the non-unionised sectors.

Data gathered through the questionnaires were encoded and processed using the Statistical Package for the Social Sciences (SPSS). Frequencies and cross-tabulations were generated. Chi-square tests were also administered to test whether or not the relationships between several important variables identified are significant. If the chi-square test between variables yield a probability value (p-value) of 0.05 or less, the relationship between these variables is significant. A significant relationship does not however mean there exist a causal relationship between the variables tested, meaning one variable causing the other.

Cross-tabulations discussed in this report thus only pertain to those variables with significant relationship to other identified variables.

Because the sample of the survey is limited, the findings may not be representative of all workers in the sectors covered. Nonetheless, the findings provide insights on some demographic characteristics of union members and how they perceive their unions today. The findings may provide initial empirical support to some of the ideas and arguments raised in the study. Where available, other similar empirical studies were cited to validate some of the survey findings. In addition to the survey, key informant interviews were also conducted with a wide range of stakeholders mainly trade union leaders and labour support organisations. The interview was focused on tracing the history of unions, characteristics, strengths and weaknesses and development strategies.

Characteristics of unions today

The Cambodian trade union movement today is a mix of multiple unions: those with varying degrees of ties with political parties; those that seek to establish themselves as independent organisations; and those set up without clear cause and objectives. The trade union situation is

also marked by continued alignments and realignments as new centres (confederations which are umbrella organisations of national unions/ federations) are being formed frequently, mainly by breaking away from existing ones.

ILO is basically the only external donor that has cordial relations to all bona fide trade unions in the country and has managed to include all of them in joint activities.

To date, the vast majority of organised workers are found in the garments industry where it is estimated that about 60% of workers are unionised. Areas where unionisation is on the rise include building and construction, transport, and hotel and tourism. Civil servants are not allowed to organise into unions but can form associations.

According to Almazan (2008: 11-12), unionisation covers only the formal sector of the economy, and is mostly concentrated in the garments industry. Moreover, the right to collective bargaining is not yet widely exercised. If ever it is practiced, these collective agreements tend to do little more than reaffirm existing rights under Cambodia's Labour Law.

In fact, the legacy of the past is still very much observed in many Cambodian unions today as union leaders who led state-controlled unions in the past still figure prominently in union leadership today. Arguably, old concepts and past practices are carried on in many unions. For example, it is rare to have pro-CPP unions challenging the government, unlike FTUWKC and CLC which often oppose the government and the positions of other unions identified with the government. Likewise, the government leadership does not wish unions to stand completely independent of their control.

There are a number of factors that have contributed to the present state of trade unions in Cambodia.

Entrenchment of union leadership is observed. This is predicated on the belief that only the leaders running state-controlled unions in the past and who spearheaded union organising and development in the 1990s have the capacity and legitimacy to lead. Some of these leaders think that

being in power earns them respect. The more corrupt ones see personal economic advantages in being a union leader. These leaders use every opportunity and tactic to maintain their position in the union. Many of these leaders have limited educational background and have no technical skills in running a union. As long as their eloquence and show of bravery or militancy can convince workers and/or union members, the absence of a strategic vision for union development notwithstanding, these leaders can remain at the top of the union hierarchy.

Despite the many education and training programs provided by various labour organisations, international labour support organisations and NGOs, in which many trade union leaders actively participate, they slide back to their old ways and habits as soon as they get back to their organisations. Though keen to acquire more training, the knowledge they learn is rarely put into practice.

A relatively young trade union movement exists in Cambodia and is concentrated in the garments industry. Trade unions in the garments industry are just over 10 years old and even less in other sectors. That unions sprang first in the garments industry after the regime change can be attributed to the US-Cambodia Bilateral Trade Agreement.

Union work has focused more on membership recruitment and solving labour problems when they occur instead of having proactive measures to prevent disputes. Not much education and training programs have been provided to union members. Moreover, no system of appropriate communication has been set up between local union leaders and members, and between local union leaders and union federation leaders.

As most of the workers landed their first jobs in the garments and other sectors which may or may not be unionised, their experience of unionism is random or by chance. As most often more than one union exists in an enterprise, workers would choose the union that is more aggressive (and noisy) regardless of the educational background, age and intents of the union leaders.

Political parties have a strong influence over unions. They have tried to control some of the major unions to support their agenda. While there

are small trade unions which make noise about labour violations now and then, these noises have been perceived as `orchestrations' of political parties to portray some semblance of democracy in the country. Some union leaders also tend to have positions in the government. Some enjoy strong connection and protection `from behind.' As a consequence, many union organisations that enjoy support from their political parties seek the approval of their `bosses' before they act. As pro-government unions, they rarely or never involve themselves in mass and collective actions with other social movements that fight for high wages, improved rights, and social justice.

Intense union avoidance strategies adopted by employers. This has had a crippling effect on the growth of unions in Cambodia. In the survey component of this study, union avoidance tactics frequently used by employers were identified by respondents. These are: (a) `buying' or bribing union leaders; (b) dismissing or laying off elected leaders; (c) suing union leaders; and (d) non-transfer of union dues to unions. Other strategies used are: (e) outright dismissal of shop stewards; (f) attacking or threatening union leaders; (g) assigning shop stewards that employers favour; (h) supporting another union that is under the control of employer; and (i) demanding change in the composition of elected union leaders.

There is multiplicity of unions in Cambodia. There are various motivations for union multiplicity. First, some union leaders establish unions for personal gains. In Cambodia, there is a perception that union leaders are treated with honour and respect. Some derive economic opportunities in the form of financial support in exchange for political support or backup support for political parties and employers. Some are also given opportunities for overseas travel to attend formal and informal meetings and conferences, which is unlikely had they been just regular employees in the factory or do other jobs. Second, there are leaders who lack commitment and care little for workers' interest. They often compete for leadership positions and often go to form other federations once they are voted out or could not get enough votes for the position they desire, or when they are dissatisfied with the current leadership. Third, political tendencies also come to play. Ruling parties have funded and supported many national unions (federations and confederations) in the same way

that the opposition party caters to unions of its own. Fourth, international solidarity fund from unions in a more developed country is also provided to some of the unions. Arguably, the varying agenda of these international support organisations become a divisive factor among Cambodian trade unions. Fifth, there has been little understanding about union principles such as democracy, independence and solidarity. With this limitation, people are prone to thinking short-term and do not have long term vision and high tolerance to keep their organisations running. Sixth, the legal framework also opens up for union multiplicity. With the ratification of the core ILO conventions and the comprehensive labour law relatively friendly to union leaders and union formation, unions could be established at ease. This gives a lot of opportunity for union leaders and workers to form unions whatever the motivations are. As a result the number of unions has increased remarkably.

A 2009 LO-FTF (Danish Trade Union Council) commissioned Cambodian labour law violation study by Nuon and Serrano (2009) covering a survey of 563 garments workers in 34 factories in Cambodia found that multiplicity of unions characterise companies in the garments and textile industry. On average, there are about four (3.96) unions per enterprise with slightly over half of the respondents (51.8%) claiming four or more unions. The highest number of unions noted was six. Only 7.8% of respondents claimed they had one union. This multiplicity of unions is one factor that induces workers to shift from one union to another. Survey results revealed that one in five respondents move from one union to another.

In the unionised survey of this study, although majority (76.5%) of respondents indicate the presence of a single union in their workplace, a significant proportion (23.5%) claim having 2 or more (Table 7, Appendix). Based on the figures provided by respondents, unions on the average counted 1.48. To a certain extent, this finding confirms the existence of more than one union in many enterprises in Cambodia.

Is union multiplicity a problem? Key informants interviewed by the researchers provide both positive and negative arguments. Having multiple unions assure workers that they can be well represented through smaller groups of similar area of skills and interests. Multiplicity

can stop or discourage a situation in which a single union is more likely to misrepresent the interest of the workers or the union leaders act as puppets of employers or the government.

Multiplicity is, on the other hand, viewed to pose more problems for the employees than advantages. First, multiplicity is an indication of the internal competition of the workers or a state of unstable cooperation among workers or unions in the same sector. Internal competition among workers is an opportunity for both the government and the employers to take advantage of workers. Divided workers as indicated by the existence of a multiplicity of unions weaken the voice of the workers during the negotiation for different purposes. Employers and government may take the existence of multiplicity as a pretext to avoid solving problems favouring workers who are not supportive of their policies and programs. While multiplicity can be more practical in representing workers in a smaller scale, it also presents the challenge for workers as they have to find out in more detail which union to join to best serve their interest. Making such a choice between unions puts pressure on workers especially those who have limited knowledge. Multiplicity can be seen as a divide and control strategy that favours employers and the government. Multiplicity presents problems for workers and trade unions in the management and representation of their endeavours to complain, bargain, negotiate and protest against unfair treatment.

This study's survey findings confirm that union multiplicity is more of a disadvantage to workers. Majority (70.5%) of respondents do not see any advantage of having more than one union in their workplace (Table 8, Appendix).

Respondents frown upon having more than one union in their enterprise. The most commonly cited reasons why union multiplicity is disadvantageous to workers are the following: (a) it fragments or divides workers at the workplace; (b) makes the process of collective bargaining difficult; (c) provides opportunity to employer/management to divide the workers and further violate workers' rights; and (d) makes it difficult to determine MRS (Table 9, Appendix).

In the 2009 study of Nuon and Serrano, nearly one in four (24%) respondents cites multiplicity of unions among the reasons for the few CBAs in the garments industry.

The public's perception towards unions is not very sympathetic. According to a number of key informants interviewed by the researchers, people find it hard to identify what a real union is as unions are perceived to be either an employer's instrument or a political party's tool. Unions are also seen as troublemakers as they try to compete among each other for members. Of course, some recognise the role of unions in improving working conditions, but they are also aware of workers' fear of losing their employment if the employer finds out that they are involved in union membership campaigns. In short, union legitimacy tends to be problematic and remains a challenge to unions in Cambodia.

Are unions growing? The extent of unionisation

The lack of an official statistical database system in Cambodia makes it difficult to track the growth (or decline) of unions in the country. However, rough and general estimates could be made.

The number of registered labour unions has risen from 20 at the end of 1997 to 245 as of January 2002. Four federations and 108 unions were registered in 2001. In that year, Cambodia's nine registered labour federations/national unions collectively claimed their membership to be about 160,000. By the end of 2009, there were over 1,000 local unions, 27 federations and officially seven confederations and one alliance of confederation. Many of these federations and confederations have affiliated with various global union federations (GUFs). CCAWDU, CWLFU, CLUF, TUPFPD, NIFTUC, CFITU and CUF are affiliated to ITGLWF-TWARO; CTSWF is affiliated to International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF); CITA is affiliated to Educational International (EI); and Building and Wood Workers Trade Union Federation of Cambodia (BWTUC) is affiliated to BWI.

Most organised workers are to be found in the garments sector where unionisation is about 60%, and with a workforce of approximately 300,000, 90% of which are female workers. It has the highest union density among all industries in any country in Asia (Almazan and Suson, 2010). Unofficial figures suggest, however, that there are from 200 to 300 unregistered factories where conditions are worse compared to monitored factories.

In the 2009 study by Nuon and Serrano, a high unionisation rate among the 34 garments factories was observed, as majority (70%) of respondents claimed that union members comprised from 75% to 100% of all rank-and-file workers in their enterprises.

In terms of sectoral distribution, unionisation is estimated as follows:

- Garments industry: around 60% of 267 garments factories having 294,470 workers (CIDS, 2010 & ILO, 2010)
- Rubber and tobacco workers: around 25% of over 309,000 workers
- Construction: around 5% of over 100,000 workers purely in the construction sector and less than 3% if compared to over 200,000 workforce of allied workers in the construction and building products and materials industry
- Tourism: around 0.06% of over 666,600 workers/employees
- Civil service: around 5% of approximately 150,000 civil servants
- Beer promotion: around 5% of approximately 30,000 workers
- Tuk tuk transport: around 3000 workers (around 30%) have been unionised of approximately 10,000 workers.

There are claims that union membership stands at 130,000, or even as high as 489,516 (ACILS, 2010) but there is a counterclaim that the real figure is actually just close to 50,000. Nevertheless, union membership continues to grow, and it is estimated that nearly 1% of Cambodia's labour force is organised or roughly 13% of its total industrial workforce (Almazan, 2008).

The unionisation of the garments industry inspired organising in other sectors, such as the construction and the tourism industry. With the assistance of the Solidarity Centre, hotel and service unions began the process of negotiating collective bargaining agreements as a strategy for

more mature industrial relations with management and to incrementally improve workers' wages and benefits. Today, the unions in the hotel sector are more able and empowered to collectively bargain than those in the garments sector (Ryan and Suson, 2010), although the service union could only organise workers mostly in the foreigned-owned establishments. Attempts to organise in locally-owned hotels have been unsuccessful mainly due to employers' attack and non-cooperation.

Meanwhile, civil servants began organising themselves, starting first among teachers in the public schools, then eventually among those working in the various government ministries. It should be noted that the Cambodian Labour Law does not cover the rights of public employees to unionise. But civil servants can organise in accordance to their constitutional right to association and collective bargaining (ibid).

The survey component of this study provides some empirical support to the ongoing organising efforts in the sectors mentioned above. Among the 131 workers in the unionised sectors surveyed in this study, a great majority (89%) of respondents claim the existence of a union in their workplace (Table 10, Appendix). This implies a relatively high rate of unionisation among the sectors covered in the survey: garments, hotel and restaurant, rubber plantation, tobacco manufacturing, and airport. On the average, the union has been operating in the enterprise for seven years. Also, majority (72%) of respondents are members of a union (Table 11, Appendix).

Unions and workers' associations in Cambodia

As of writing, there are 55 labour federations and workers' associations in Cambodia. The federations and associations are divided into seven confederations. There is one coalition of union confederations consisting of three confederations. There are a total of 43 union federations and 12 associations of Cambodian trade unions: three construction union federations; one tourism union; two food and service union federations; 37 garments union federations; and 12 associations. It should be noted that five union federations and three associations are non-affiliated. There is one women organisation for women trade unionists which is

composed of women trade unionists and members from 9 federations and associations. Many of these labour federations started in the garments industry and later on branched out into other industries. Few today locate their members solely in the garments industry. Beginning 1996, at least one federation is established every year either through a collective aggregation of local unions, or through mergers of existing federations, or through splits or break-away from existing federations. From 1995 to 1999, there were only five federations. In the years 2004, 2007 and 2008, six to seven federations or big associations of workers were established each year. Indeed, union multiplicity is also apparent at the national level.

Three "currents" of unions

Despite their number, the Cambodian unions and associations can be divided along three "currents" or "rivers of thought." However, this is neither how trade union leaders view themselves nor it is a full set of ideology. But it is worth describing how trade union leaders view their roles, their practices, and how they view each other as trade unionists. The idea of "currents," nonetheless, is not meant to encapsulate a trade union leader or trade union within a particular current. Leaders are not static but fluid and they can change their ideas and practices in a particular moment and time.

The "first current" is generally those unions formed or having ties with the ruling party, and who will self-acknowledge, act, vote and promote the ruling party. Having ties with the ruling party does not necessarily mean one is in the "first current" if one does not self-acknowledge, act, vote and promote.

The views of the "first current" can be attributed to the early formation of the ruling party when the party self-identified itself as a communist party and govern a socialist state. Their views on trade unions are similar to China, Cuba, Soviet Union and Vietnam where a trade union is viewed as an organisation of workers whose role is to ensure better welfare for the workers and protect the worker state and property. Though the ruling party has changed and no longer views itself as Communist, the thinking

of the role of the union is similar to other party views on trade unions, such as in Bangladesh, Brazil, Malaysia, Mexico, Nicaragua, Singapore or South Africa. Currently, due to the level of union capacity and leadership development within the "first current" trade union leaders, trade unions in this current are considered junior partners, unlike in the countries mentioned where trade unions are equal participants in the party.

The first current consists of two different centres - CCTU and NACC. Both centres have many member federations that represent garments workers; in fact they are the majority unions that currently exist in the garments industry. The split in the two centres is not based on politics and ideology but more on personalities. While the CCTU was established first, NACC now has become the dominant organisation. CLUF, the biggest federation in NACC, is driving for most representative status in the enterprises it represents and forges more collective bargaining agreements. Both CCTU and NACC have a higher level of representation in the tri or bipartite committees such as LAC and the 8th Working Group as the two centres make up the majority of the union representatives of the two bodies.

The "second current" is represented by union leaders and trade unions whose development is linked with the opposition party during the transition period between 1993 and 2000. After the United Nations Transitional Authority (UNTAC) in Cambodia government, the FUNCIPEC or the Royalist party became the dominant party following its success in the UNTAC sponsored general election. The CPP which for years was the ruling party lost to FUNCIPEC but still remained part of the government based on seat distribution. Other parties were also given seats based on the number of votes they garnered. This period saw intense competition for people's support. Oppositionist party leader Sam Rainsy saw workers and trade unions as instrumental in mounting a challenge against both FUNCIPEC and CPP. This period also saw many human rights NGOs pushing for more democratic space and for government and citizens to respect the rule of law and enforce democratic practices. Given this "early" democracy in Cambodia, the parties and human rights civil society organisations tended to be more critical in highlighting the deficiencies of the government. This militancy became the hallmark of the "oppositionist current." In this context, the second "current" refers not to party affiliation

but to this militancy and the use of the trade unions and workers' issues to highlight the inadequacies of the government.

The "second current" is exemplified by the CCU national centre. This national centre often takes stance against the government and is very critical and vocal on a plethora of issues ranging from workers' rights to the broader issues of corruption and national territory. This national centre has gained support and recognition from national and international spheres. CCU's stance of non-cooperation with unions who have ties with the ruling parties has placed it outside any tripartite formation or bilateral meetings despite being asked to participate. It should be noted that CITA and FTUWKC, which form part of CCU, used to work with other unions and worked with labour support organisations. But soon enough, it distanced itself from both unions and labour support organisations saying it was fed-up with first current unions which it considers as false unions. CCU considers itself as the only true centre for the Cambodian workers.

Those from the "third current" consider themselves "politically independent," or identify themselves as non-party affiliated or oppositionist. Due to the intense political competition during the late 1990s that extended to union formations, other trade unionists have distanced themselves from these formations and organised NIFTUC as a non-aligned trade union assisted by local and foreign NGO to practice as a "free and democratic" union. The split of NIFTUC led to the establishment of CCAWDU. CCAWDU later on expanded and set up a confederation called CLC which essentially is viewed as the "third current". Though the leaders in the "third current" were honed to think similarly with the "oppositionist" the key difference is their pragmatism and flexibility to work with other unions and take part in tripartite and bilateral settings. But they do not take up issues outside the workers' context. Critics observe though that for this group to fully mature, there is need to really address their opportunist way of thinking.

Today, many of these labour organisations cut across industries. Five have been organised in the informal sector. It appears that it is only in the hotel and tourism industry where a single federation exists, the Cambodian Tourism and Service Workers Federation (CTSWF).

The 55 labour organisations operating in various sectors or industries in Cambodia are as follows (no criteria were observed in ordering the list.)

Garments and Footwear Sector

1. *Cambodian Federation of Independent Trade Unions (CFITU).* Established in 1999. A direct descendent of the Communist-era trade union, the CFITU claims 35,790 members in 33 local unions. Sectors covered include garments factories, rubber plantation, cement, beverage industry and seaport. The Federation has a history of preventing workers from taking part in strikes.

2. *Cambodian Unions Federation (CUF).* Established in 1996, the CUF claims a membership of 72,719 in 125 local affiliated unions representing various sectors – garment and footwear factories, brick, salt field, fisheries, migration, agriculture, porter, migration, transportation, civil servants and police forces. The CUF president serves as vice-chairman of LAC. Members of the Federation rarely participate in strikes and its union leaders play down workplace issues.

3. *Cambodian Labour Union Federation (CLUF).* The CLUF was established in 1998, claiming to have 79,152 members in 127 local unions covering such sectors as the garments industry, rubber plantations, and petrol companies. This Federation directly descended from the Free Unions Federation (FUF), whose president used to invest in garments factories and advised the prime minister. The CLUF praises the government and criticises members who participate in strikes. The current president, Som Aun, previously represented the employees of a small real estate company owned by the same person who established FUF.

4. *National Independent Federation Textile Union of Cambodia (NIFTUC).* A local non-government organisation, the Cambodia Labour Organisation (CLO) helped create NIFTUC in 1999 as a coalition of grassroots garments unions. It claims to have 7,562 members in 15 factories, including shoe and textile factories. It has been a vocal

advocate of workers' rights and had called several strikes. In 2000, a public falling out with CLO fragmented the Federation.

5. *Cambodian Workers Labour Federation Union (CWLFU).* Established in 2000. A garments factory administrator leads CWLFU and claims to represent 28,000 garments workers in 26 local unions. It is relatively inactive as a Federation and has been silent on labour policy.

6. *Coalition of Cambodia Apparel Workers Democratic Union (CCAWDU).* CCAWDU was established in 2000 as a result of NIFTUC's dispute with CLO which led to members breaking away from the Federation. It claims to represent 34,666 workers in 45 local unions in garments factories. It is a vocal advocate of workers' rights, and relies for funds from union dues and Oxfam (Belgium). CCAWDU is among the most active labour federations in Cambodia (along with FTUWKC and NIFTUC).

7. *Trade Union Workers Federation of Process Democracy (TUWFPD).* Established in 2002, TUWFPD has a purported membership of 34,529 in 35 local unions of garments factories.

8. *Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC).* Established in 1996, the FTUWKC claims to have 70,000 members in 135 local unions of garments and footwear industries. It is an affiliate of the opposition Sam Rainsy Party. It has a history of calling strikes and demonstrations, some of which have been marred by violence. In 2002, the FTUWKC called for a reduction in working hours from 48 to 44 per week.

9. *Khmer Youth Federation of Trade Union (KYFTU).* In 2000, several CFITU-affiliated unions broke away and formed KYFTU. It claims to have 16,000 members. Apart from a jewellery fabrication plant, all affiliated factories are in the garments sector. It mediates factory disputes, and joined the call for shorter working hours.

10. *Federation Union of Solidarity (FUS).* Created in 2003, and claims to represent 6,515 members in 15 local affiliated unions working in the garments industry.

11. *Free Union Federation of Khmer Labour (FUF)*. Established in 2004, the FUF claims a membership of 7,532 in 11 local garments factories.

12. *Federation Union of Development Workers' Rights (FUDWR).* Established in 2004, the FUDWR claims to have 8,300 members in 15 local unions in garments factories.

13. *Independent and Democratic Union Federation (UFID).* Established in 2004, and a purported membership of 22,902 working in the garments and footwear industry in 26 local unions.

14. *Trade Union Federation for Increasing Khmer Employees Lifestyle (TUFIKEL).* Established in 2006, the TUFIKEL claims to have 4,400 members within 10 local unions working in garments factories and sentry companies.

15. *Worker Union Federation (WUF).* Established in 2008, it claims a membership of 5,320 in 12 local unions working in the garments industry. The leader of WUF broke away from NUCW.

16. *Cambodian Union Federation of Democratic Lucky Workers (TUFDLW).* Established in 2005, it has a claimed membership of 18,742 in 14 local unions in the garments industry.

17. *Cambodian Industry Union Federation (CIUF).* Established in 2004, the CIUF claims to have 7,470 members in 11 local unions in garments factories.

18. *Democratic Independent Solidarity Union Federation (DISUF).* Established in 2005, DISUF claims to have 2,440 members in four local unions in garments factories.

19. *Cambodia Asian Confederation (CAC).* CAC was established in 2008, led by the president of DTFU after it underwent reforms. It claims to represent 2,500 workers in nine garments factories.

20. *Labour Development Union Federation (LDUF).* Established in 2004, the LDUF claims to have 9,524 members in 19 local unions in garments factories.

21. *Cambodia Federation Voices of Workers Union (CFWU).* Established in 2008, CFWU is led by a president who broke away from CIUF. It claims to represent 2,359 members in seven local unions in the garments and food industries.

22. *National Union Federation Cambodian Workers (NUCW).* Established in 2005, the NUCW claims to represent 6,588 members in 14 garments factories.

23. *Cambodian Federation for Workers' Rights (CFWR).* Established in 2005, CFWR claims a membership of 9,548 from within 18 local unions in garments factories.

24. *Prosperous of Worker Union Federation (PWUF).* The PWUF was established in 2007, claiming to represent 1,223 members in five locally affiliated unions in the garments industry.

25. *Federation Union of Khmer Democracy Workers (FUKDW).* Established in 2007, the FUKDW claims to represent 5,531 members in 16 local unions in the garments sector. Its leader broke away from the FUS.

26. *Workers Freedom Union Federation (WFUF).* The leader broke away from DISUF and formed WFUF in 2007. It claims to represent 3,500 members in 13 local unions in garments factories.

27. *Cambodian Federation of Trade Union (CFTU).* Its leader broke away from CIUF and formed CFTU in 2008. It claims a membership of 3,995 in six local unions in garments factories.

28. *Textile and Garment Workers' Federation of Cambodia (TGaFe).* A garments union federation established in 2008, the TGaFe claims to represent 1,700 members in seven affiliated local unions in garments factories.

29. *Unified Struggle for Women Union Federation (USWUF).* Established in 2009, USWUF claims to represent 1,495 workers in four local unions in garments factories.

30. *Trade Union Cooperation for Cambodia (TUCC)*. Established in 2009, claiming membership of 720 in seven garments factories.

31. *Voice of Khmer Youth Trade Union Federation (VKYUF).* Established in 2010, the leader broke away from KYFTU. (no data on membership).

32. *Coalition Union of Movement of Khmer Workers (CUMW).* Established in May 2010, the leader broke away from FTUWKC. The CUMW claimed to have a membership of 7,233 in 11 local affiliated unions in the garments industry.

33. *Khmer Workers Power Federation Union (KWPFU).* A newly established federation in 2010, claims to have 3,013 members within 11 local unions in the garments industry. The leader broke away from the Cambodian Labour Union Federation (CLUF).

34. *Worker Friendship Union Federation (WFUF)*. A newly established federation created in 2010. Their members are in the garments sector.

35. *Cambodian Worker's Force Democratic Federation Union (CWFDFU).* Established in 2009, the federation claims to represent 4,900 workers within six local unions in the garments sector.

36. *Trade Union Federation Cambodia Workers Power (TUFCWP).* A newly established federation created in 2010, it claims a membership of 2,500 in three local unions in the garments industry. Its leader formerly served as secretary general of CWLFU.

37. *Trade Union Federation Khmer Worker League (TUFKWL).* A newly established federation created in 2010, it claims to represent 1,723 members in three local unions in the garments sector. The leader of this federation formerly worked with TUFIKEL.

Construction and Wood Sector

38. *Federation of Building and Wood Workers (FBWW).* Created in 2001, FBWW claims to have 1,307 members in nine local unions representing

several sectors, construction, salt field and fishery. FBWW has close links with CUF, depends on it for financial support, and shares office space.

39. *Building and Wood Workers Trade Union Federation of Cambodia (BWTUC).* Established in 2009, as a result of the merger between CCTUF and CFBW, BWTUC receives funding from Building and Wood Workers International (BWI). It claims to represent 1,962 members in 10 local unions in the construction and wood sector in Phnom Penh, Kampot and Siem Reap.

40. *Cambodia Construction Trade Union Federation (CCTUF).* A new construction federation was established from the merger between two other construction federations – Construction Labour Federation Union of Cambodia (CLAFU) and Workers' Federation in Construction Industry of Cambodia (WoFiCi) in 2010. (no data on membership)

Teachers and Civil Servants

41. *Cambodian Independent Teachers Association (CITA).* Established in 2000, the CITA claims to have 8,000 members in 18 local affiliated teacher unions. It is an affiliate of the opposition Sam Rainsy Party.

42. *Cambodian Independent Civil Servant Association (CICA).* Established in 2004, it claims a membership of 820 in 14 local unions from various groups – teacher, civil servants and university students.

43. *National Educators Association for Development (NEAD).* Established in 2007, the leader of NEAD broke away from CITA. It claims to represent 3,500 members in eight local affiliated teacher and civil servant unions.

44. *Teachers Association of Cambodia (TAC).* Established in 2008, the TAC claims to represent 3,059 members in six local affiliated branches in Phnom Penh, Kandal, Kampong Cham, Prey Veng, Kampong Chhnang and Svay Rieng provinces.

Food and Beverage Sector

45. *Cambodian Industrial Food Union Federation (CIFUF).* Established in 2003, CIFUF claims to represent 4,005 members in nine local unions working in the food, beverage, restaurant, tobacco and informal economy sectors.

46. *Cambodian Food and Service Workers Federation (CFSWF).* Established in 2007, CFSWF claims to have 760 members in four local unions. Its sector coverage includes restaurants, beverage, entertainment service, beer promotion workers, gas station and garbage collection.

Informal Economy

47. *Cambodian Association of Informal Economic Development (CAID).* Established in 2001, it claims to represent 376 members of among tuk tuk drivers.

48. *Independent Democratic of Informal Economic Association (IDEA).* Created in 2005, IDEA claims to have 1,873 members in a total of three branches located in Phnom Penh, Siem Reap and Poi Pet. It is an informal economy association working on various sectors such as street vendors, transportation, cart-pulling workers, entertainment workers, and domestic workers.

49. *Farmers Association for Peace and Development (FAPD).* A farmer association established in 2007, FAPD claims to have 256 members in seven communities.

50. *Khmer Occupational Citizenship and Transportation Association (KOCTA).* An informal economy union established in 2008. It claims to represent 575 members in 9 affiliated branches.

51. *Network Men Women Development Cambodia (CNMWD).* An informal economy union working with entertainment and beer promotion workers established in 2007. It claims to represent 800 workers in 5

branches in Phnom Penh, Siem Reap, Poi Pet, Odor Meanchey and Sihanouk Ville.`

52. *Occupational of Informal and Transportation Association (OITA).* Established in 2010, it is an informal economy association organising in three sectors – transporting workers, vendors, and farmers. It claims to represent 941 members in 28 local affiliations in Phnom Penh and three other provinces, Kompong Speu, Prey Veng, Kompong Cham.

53. *Khmer's Farmer Association in Battambang Province (KFA).* A farmer association operating in Battambang province.

54. *Self-employed and Informal Ecomonic Workers' Association (SINEWA).* An informal economy association operating in Poipet, Banteaymeanchey province covering cart-pulling workers, vendors and transport workers.

Hotel and Tourism

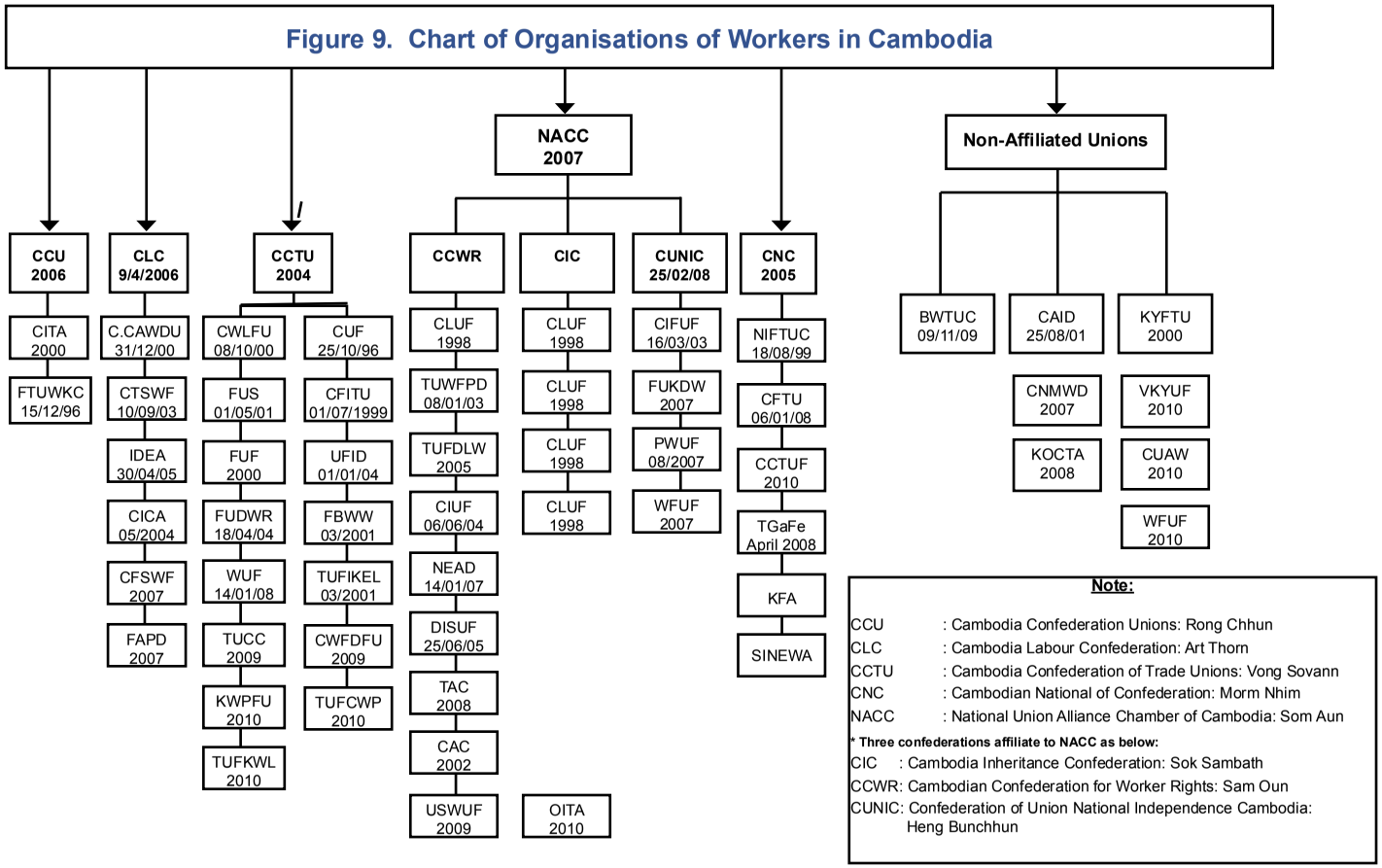
55. *Cambodian Tourism and Service Workers Federation (CTSWF).* Established in 2003, the CTSWF claimes to have 3,333 members in 20 local unions working in hotels, restaurants, tourism, casino, cleaning service and airport.

Characteristics of union members and their union perceptions: Highlights of survey findings

Who are union members? As mentioned above, the Cambodian trade union movement is a relatively young movement. And as the garments sector is where unionisation is concentrated, majority of union members are comprised of women.

The survey component of this study does not claim to provide a total picture of union membership in Cambodia owing to its small sample. Nonetheless some findings provide some insights into the basic characteristics of union members in the country.

Figure 9. Chart of Organisations of Workers in Cambodia



Note:

CCU : Cambodia Confederation Unions: Rong Chhun
CLC : Cambodia Labour Confederation: Art Thorn
CCTU : Cambodia Confederation of Trade Unions: Vong Sovann
CNC : Cambodian National of Confederation: Morm Nhim
NACC : National Union Alliance Chamber of Cambodia: Som Aun

*** Three confederations affiliate to NACC as below:**

CIC : Cambodia Inheritance Confederation: Sok Sambath
CCWR: Cambodian Confederation for Worker Rights: Sam Oun
CUNIC: Confederation of Union National Independence Cambodia: Heng Bunchhun

Among the respondents, majority (63%) belong to local unions. (About 27% belong to union federations.) Among respondents who are union members (72%), 60% are rank-and-file members, 29% are union officers, and the rest are union staff.

Demographic characteristics

The average age of respondents at the time of interview is 33 years old. Half of the respondents are less than 30.5 years old and the other half are more than 30.5 years of age indicating that most respondents are relatively young. Respondents have been in their present job for about 8.5 years.

In terms of gender, about 55% are women and 45% are men.

As regards educational level, the highest number of respondents (38.64%) completed secondary education (Table 12, Appendix). In fact, survey results indicate that nearly 8 in 10 of respondents had completed only secondary education or lower. This shows the relatively low level of education of respondents in the sectors covered.

Unionisation

Majority (57%) of respondents claim their local union is affiliated with a federation (Table 13, Appendix).

Among respondents who were union members, only one in five says all rank-and-file workers in their workplace are union members. Majority (53.6%) indicate that not all rank-and-file workers are union members. About 24% do not know the membership composition of their union (Table 14, Appendix).

As to who organised their unions, there are varied responses. The greater bulk (40.5%) of respondents claim workers in their enterprise organised their union, while 35.7% point to a federation which organised the union (Table 15, Appendix).

Members' motivations to join a union

Respondents were also asked what they think their union's responsibility coverage was. Majority (59.5%) cite union and non-union members in their enterprise. A meagre 7% go beyond the workplace as the union's responsibility sphere (Table 16, Appendix). These findings indicate the enterprise-centric form of union thinking among union members in Cambodia.

Asked why they join unions, the reasons most frequently cited are: (a) the benefits derived from union membership; (b) improvement in working conditions; (c) enhanced job security; and (d) belief in the principles and objectives of unionism (Table 17, Appendix). These findings indicate a relatively positive perception by union members of their unions.

When asked about the benefits they are getting from their union, at least half of the unionised respondents cite the following as the most common: (a) improved working conditions; (b) more benefits; (c) union education and training activities; (d) less intimidation and harassment from employer; and (e) grievances addressed at the workplace (Table 18, Appendix). Other advantages derived from being a union member are: higher pay, sense of solidarity, legal assistance, etc. These benefits or advantages are a mix of economic and non-economic benefits. We can surmise from this finding that workers appreciate the non-economic and political dimensions of unionism. We can also infer from this finding that many unions have gone beyond the economic in their pursuit of workplace goals.

Union goals and functions

Among the 84 unionised respondents, about half (42) note the promotion of members' material and moral well-being as their union's primary goal. A significant number name job regulation (security and freedom on the job; participation in administration of industry), and promotion of production and protecting workers' interests (chiefly or wholly by raising their productivity) as their unions' primary focus (Table 19, Appendix).

As regards the main functions of their union, at least or nearly half of the unionised respondents note the following: (a) helping workers with disputes and in other difficulties; and organising more members to increase strength and effectiveness. The following are also cited frequently: collective bargaining including strikes for better wages and working conditions; and education to raise workers' knowledge and revolutionary consciousness (Table 20, Appendix). Here, it is evident that the two main functions of unions according to the unionised respondents are dispute settlement and organising. That currently only few CBAs are negotiated by unions certainly affects workers' perception so that collective bargaining appears to be a less important function of unions.

The findings on union goals and union functions confirm the enterprise-centric focus of unionism in Cambodia. This limited focus may in the medium and long-term narrow the potential for union expansion.

Perception on union effectiveness

On a scale of 1 to 10 with 1 being the lowest, respondents were asked to rank both the overall effectiveness of their union and the trade unions in Cambodia in general. The survey results indicate that respondents on the average give a higher rating of 7.09 to the effectiveness of their own unions while a dismal rating of 4.73 is given to unions in general in Cambodia (Table 21, Appendix). This finding again confirms the enterprise-centric nature of unionism in Cambodia.

In terms of categories of rating, majority (74.6%) of the respondents give an effectiveness rating between 6 and 8 for their own unions (Table 22, Appendix).

Meanwhile, majority (79.6%) of respondents rate the overall effectiveness of unionism in Cambodia 5 or lower (Table 23, Appendix).

Gender and unionism

Although about 55% of all union members in the enterprises covered were women, men unionists still dominate union leadership. Survey results reveal that on the average, only one in three (33%) union officers were women. This trend nearly holds true when looking at the composition of the bargaining team: women comprised only 30.5% (Table 24, Appendix).

Only about 45% of respondents claim they had a union policy allocating a certain percentage of union leadership positions to women members (Table 25, Appendix). Half do not know if such policy ever existed. Similarly, about 66% of respondents do not know if their union had a policy allocating a certain number in the bargaining team for women members. In fact, only 22% note they had such policy (Table 26, Appendix). These findings partly explain why despite the fact that majority of union members in the sectors covered are women, they are disproportionately represented in union leadership and in the bargaining team.

To the extent that limited participation by women in union activities and leadership is the top internal problem of unions cited by respondents, it would augur well for unions to adopt policies and strategies that would enhance women members' participation in leadership. An affirmative union policy of allocating a high proportion of leadership position to women may encourage more participation of women in union activities. Many organising and membership participation strategies can be assigned to women. These are:

- Home visits to target members especially within the women members' neighbourhoods
- Holding small group meetings during organising campaign within the neighbourhoods
- Launching media campaigns
- Having a rank-and-file committee involved in organising (like-recruits-like), especially in enterprises where most workers are women
- Enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept)
- Holding solidarity days, rallies, and job actions

Arguably, many of these strategies are done better by women.

Women's union skills should likewise be enhanced to enable them to become more involved in union activities and build their capacity and confidence to assume leadership roles. It is, thus, necessary for them to participate in seminars and training activities provided by the union and other labour-oriented institutions.

Men and women respondents share contrasting views of union policy allocating a given proportion of union leadership to women members. While majority of male respondents (61.2%) acknowledge such policy, majority of women (about 72%) do not even know such policy exists (Figure 10, Appendix). There are several implications that can be derived from this finding. One, it could be that such policy exists but not widely disseminated among union members. Two, such policy never existed that is why women are disproportionately represented in union leadership and in the bargaining team.

Nonetheless, it is interesting to note that majority (73.5%) of respondents claim women are involved in organising campaigns (Table 27, Appendix).

Respondents were asked about gender-related structures and programs in their union. The following are commonly cited: (a) gender sensitivity training; (b) reproductive health program; and (c) Women's Committee (Table 28, Appendix).

But only a few replied when asked about gender-related policies and programs found in their CBAs. They indicate the following programs: maternity leave beyond what the law provides, protection against sexual harassment, equality of opportunities for training and education, and pay equality (Table 29, Appendix).

The integration of gender/women-related issues in collective bargaining remains a big challenge to unions in Cambodia. The fact that women's involvement in union leadership and bargaining team still pales in comparison with men makes this challenge even more overwhelming. Only nearly half of respondents note the existence of a Women's Committee in their union. Gender sensitivity training and reproductive health programs,

though they may contribute indirectly to increasing women's active and leadership participation in unionism, are not enough. The very lack of adequate women-related structures and processes in unions inhibits the embedding or integration of women in leadership and gender issues in bargaining.

Issues, problems and challenges facing Cambodian trade unions today

Problems and challenges, both internal and external to the union, continue to confront unions in Cambodia. Unions in Cambodia, as elsewhere, have been thrown on the defensive by globalisation. Increasing global economic competition and capital mobility accompanied by neoliberal macroeconomic policies, rapid pace of technological innovations in production, restructuring of national economies from manufacturing to services, privatisation of public services, rise of contingent employment arrangements, and mounting resistance of employers to unionisation have made union organising much more difficult and to a considerable extent precipitated the decline of union membership in various sectors.

The world of work is changing so unions must adopt more imaginative methods of representation and recruitment (Hyman, 2002). Thus, change in union nature and character is the greatest challenge facing trade unions today. Hyman (1999b) again underscores the mounting difficulties and challenges in the environment of union organisation and action. External challenges include the following:

- The intensified global competition that puts new pressures on national industrial relations regimes, with massive job losses as one of the elements of the "shock therapy."
- The political environment in many countries that has become far more unfavourable as governments grapple with adaptation problems.
- Employers' growing unwillingness to accept trade unions as collective representatives of employees, and their establishment of new forms of direct communication with employees as individuals.

Table 30 summarises key issues, problems and challenges facing the Cambodian trade unions.

Table 30. Union Issues, Problems and Challenges

External	Internal
1. Small labour market and unstable employment	1. Small membership, membership apathy, and limited financial resources
2. Poor labour law enforcement, corruption and poor governance	2. Limited democracy, independence and solidarity
3. Fledgling industrial relations and low knowledge of unionism	3. Limited membership services, especially weak collective bargaining and collective campaigning actions
4. Union avoidance by employers	4. Questions on leadership integrity, limited skills on leadership, organising and organisational development
	5. Limited labour support research, intellectual capacity and information sharing and dissemination
	6. Multiplicity, proliferation and division
	7. Over-reliance on external organisations for finance and labour campaigns

External challenges

1. Small labour market and unstable employment

Cambodian workers do not have many choices in the labour market as job availability is limited. Many have to stay in the same job for years and do not challenge their employers even if they witness and experience injustice and exploitative practices in the workplace. The government has not been able to expand the labour absorption capacity of the economy and the future does not look bright as industrial development or anything with high absorbing capacity is not expected to come soon.

Cambodia is an overwhelmingly young population, with the bulk of its new labour market entrants falling into the 15-24 age range. This, combined with the fact that many young people lack the education and skills to improve their employability and earnings, indicates a significant and growing challenge for labour market efficiency and sustainable development.

Workers in Cambodia face many constraints to attain decent, productive employment. One of the most critical is the deficit in access to education, training, and skills development opportunities, particularly those that are market or "demand" driven. The widespread lack of such access across Cambodia continues to leave large numbers of workers with few or no skills, tied to low-earning occupations with little hope of material progress.

On top of existing concerns over employment availability (particularly of "productive" employment), the onset of the global economic crisis has exacerbated some of the underlying structural weaknesses in the Cambodian economy and labour market since late 2008.

Being a small, open, and export-dependent economy with a narrow economic base, this crisis has had an understandably severe impact on the Cambodian real economy. Leading economic sectors like garments, construction and tourism employ hundreds of thousands of low-income workers. It is within these sectors that rely on foreign direct investments (FDI) and/or exports where the bulk of job losses have occurred in recent months. The garments sector alone lost 10 to 15 percent of its total workforce since mid-2008 (net of new job creation). For the vast majority working in these sectors, incomes are low and access to formal safety nets nonexistent. Coping mechanisms in times of job loss and/or economic hardship are often limited to what the family can offer: typically, a roof over one's head and work in the agricultural, often subsistence, economy. Even though research has revealed this is a "last resort" for many displaced workers, it is expected that a lack of other options will force some, if not the majority, into such decision.

Job security is another problem in the Cambodian job market. Non-standard forms of employment (casual, temporary, and self-employment)

and the recruitment of labour through intermediaries (agency labour or labour only subcontracting) have become common practice in the Cambodian labour market. In this arrangement, the actual employer enjoys the services of the labour he/she requires without the corresponding responsibility traditionally attached to the employer vis-à-vis his/her employees. Informality is also a definite mark of labour relations in the industry where employer-employee relations is blurred, based merely on verbal agreements, and not officially reported to any government registry. The labour market which is characterised by higher labour supply than demand makes it difficult for unions to negotiate and fight for better work conditions.

In the garments industry baseline survey study conducted by Nuon and Serrano (2009), majority (54%) of respondents were non-regular workers. While regular workers comprised the highest number of respondents (40%), contractual fixed term workers and contractual renewable workers make up 31% and 23%, respectively. Moreover, although majority (76%) of the respondents claim they signed an employment contract, 64% say they were not offered contracts by their employers.

Similarly, in our recent survey about one in three respondents claim they had no job contract. Of those under contractual arrangement, 22% were under fixed contractual terms and 18% were under renewable contractual arrangements. About 14% consider themselves undocumented regulars, meaning regulars without a contract. Only 10% of respondents had regular status (Table 31, Appendix). These findings indicate that non-regular forms of employment characterise jobs in the sectors covered (i.e., garments, hotel and restaurant, rubber plantation, tobacco manufacturing, and airport).

The dearth in available jobs and insecure employment is a huge obstacle for workers to organise and fight for better wage and working conditions. In this market, there are competitions among workers and workers tend to focus on keeping their jobs rather than improving the job quality through legitimate means. In addition, employers can easily forego their obligation to negotiate in good faith and the commitment to recognise working rights and conditions.

2. Poor labour law enforcement, low compliance, and unbridled corruption

The implementation of the Labour Law in Cambodia is rather poor. Labour Law looks good in paper but hard to implement effectively in practice. Moreover, the law only covers workers in the private sector, which make up a small proportion of workers. The Labour Law is not equally respected and the powerful and rich have a wide room for circumvention. Public power is abused quite often without strict measures from the government to punish such abuse. A weak judiciary is commonly attributed to the weakness in law enforcement as authorities and the courts are often ineffective and rarely seen as neutral.

Unions have complained a lot about violations of the Labour Law and infringement of union rights committed by employers. These violations include using money, threats and force; law suits; using repeated short term contracts; refusal to deduct money from unions' members; and refusal to negotiate collective bargaining agreements, among others. Other problem areas pointed out by unions include the practice of forceful overtime, misuse of casual workers, lack of occupational health and safety, and illegal factory closure.

Unions and labour-oriented organisations attributed these violations and constraints to employers' ignorance of unions' and workers' right, a weak and young labour movement, low education and awareness of the Labour Law among workers and unions, limited training provided by unions to their members, absence of collective bargaining agreements, and limited intervention by the Ministry of Labour.

Studies[26] show that there is still difficulty in the enforcement of core labour standards. This arises from such problems as discrimination/harassment, excessive working hours, incorrect payment of wages, violation of freedom of association and collective bargaining, and the prevalence of strike. From the ILO synthesis reports, forced and excessive overtime is pervasive and endemic in many of the factories monitored. Overtime is shown to be involuntary and over the two hours specified in the law. On discrimination and harassment, research indicates that 25% of workers experience verbal abuse directed against women and 5% experienced

unwanted touching.[27] The failure to pay correct wages is still a persistent problem and proven in half of the factories inspected.

Regarding freedom of association and collective bargaining, ITGLWF, reveals a similar pattern of trade union victimisation[28] though receiving weakening actions in different forms. It ranges from cases as serious as the assassination of a few national union leaders to cases as common as employers' refusal to deduct workers' salary for union membership dues. Up to 2006, there were just around five quality collective bargaining agreements (US Department of Human Rights, 2006). Poverty wages (average wage is U$65 per month while the monthly living wage estimate is U$82[29]) and excessive working hours are still the norm.

Survey findings in the study of Nuon and Serrano (2009) for the garments sector indicate low compliance in respecting union rights (i.e., the right to strike, collective bargaining), overtime duration and some aspects of occupational safety and health, although showing relatively good or high compliance in the payment of minimum wage and overtime pay, freedom of association in terms of increase in the number of unions, and prohibition of child labour.

Using three categories to indicate the extent of compliance, Nuon and Serrano (2009) came up with the following:

- Areas of high compliance (over 60% respondents claiming compliance):
    - Contract signing
    - Minimum wage
    - Regular payment of wages
    - Gender equality
    - Overtime payment
    - Freedom of association
    - Occupational Health and Safety
    - Prohibition of child labour

- Areas of moderate compliance (from 40% to 60% of respondents)
    - Disclosure of wage rate and its computation before commencement of work in the company

  - Prohibition of discrimination and disciplinary action taken by employers against union members
  - Prohibition of retaliation by employers against strikers
  - General state of OHS (housekeeping, adequacy of working space, toilet sanitation, ventilation, passageway safety, noise level, temperature, accessibility of fire escapes, and to some extent adequacy of illumination)

- Areas of low compliance/high non-compliance (less than 40%)
  - Employer's obligation to furnish workers a copy of their signed contract
  - Contract contents and prohibition of contract manipulation
  - Provision of certain benefits provided by law (annual leave, sick leave, and public holiday)
  - Overtime work
  - Provision of sleeping quarters for night work
  - Prohibition of pregnancy pre-screening of women workers prior to hiring or regularisation
  - Collective bargaining

Corruption is another challenge in Cambodian society that has become more serious and common both in the public and private sectors. The issues of rule of law and corruption are considered huge obstacles to unions. Unions need to use law as their basis for resolving problems or advocating for their demands. Often they use public services to address their concerns and requirements. But most often corrupt practices render these services ineffective. Corruption also makes union leaders representing the workers complacent of their working environment.

Many employers, especially in the garments sector, claim they pay union leaders informally in exchange for industrial peace and cooperation from unions. There have also been reports by workers of union leaders receiving bribes from employers to reduce collective demands, delay or prevent negotiations or conclude collective agreements, or to end strikes and other collective actions.

3. Fledgling industrial relations and low knowledge of unionism

Having just emerged from a system of planned economy, knowledge of independent unionism is very limited in Cambodia. In fact, there is very low recognition of the key role of unions in social and workplace justice. Many private and public workplaces are still without unions.

As unions are new to many people, including the authorities and employers, they are often not accorded respect even if the law provides for their protection. Authorities are not quite open to having various organisations independently representing constituencies. This makes it hard for unions to organise and campaign for changes in the work-life conditions of workers.

The culture of bargaining in tripartite and bipartite levels is almost nonexistent. The country passed its Labour Law in 1997 but its implementation is still slow. Industrial relation bodies like the Labour Advisory Committee or Industrial Relation Working Groups have been established but their work effectiveness and activism is limited. They are far from achieving their defined functions. Employers who are not interested in negotiating with workers and their unions also pose a problem as they evade sitting in the bargaining table. In fact, employers' refusal to negotiate has been cited as the major reason why there are very few CBAs in the garments and textile sector. According to Nuon and Serrano (2009), the ability of employers to increase the number of employees to dilute most representative status of a union is the most common tactic to evade negotiation. Other reasons cited are the multiplicity of unions and the lack of support of CBA negotiation by some unions (ibid).

Unions continue to fight for the right to recognition which entitles them to negotiate collective agreements with employers. To become the most representative union, a union must meet certain qualifications, such as: (1) its membership must be 51% of the total workforce in the factory/ enterprise it is seeking application; (2) at least 33% of its total membership must be paying dues, and (3) it must have a valid union certificate. The criteria are strict compared to other countries but they are useful to cope with the multiplicity of unions in the country, especially in the garments sector. The union applicant must make 15 copies of the application in

addition to the original and submit them to the Ministry of Labour. The cost of duplicating documents when applying for MRS certification can be very high many unions could barely afford it. One application requires spending between US$25 to US$30. In cases when application requires correction, the expense may even double. The high cost of application makes some unions reluctant to apply for MRS or opt out of MRS.

Having an MRS does not automatically translate to collective bargaining, as many employers refuse to negotiate and conclude collective agreements with unions. Some minority unions do not even respect MRS unions. There is no specific clause or provision stipulating sanctions for non-recognition or violation of a union's right to MRS.

4. Union avoidance by employers

Employer resistance to unionisation is another big challenge. Union discrimination has been manoeuvred in different ways by employers. Forms of union discrimination can include the following:

- Termination of workers who have organised or joined a union or participated in union activities
- Relocation of a worker who formed or joined a union or participated in a union activity
- Downgrading the position of a worker who engaged in union activity, offering him lower benefits, giving him lesser rights, or forcing him to work harder

In the survey component of this study, respondents were asked to list down several employer practices discriminating against union members. While the frequency of responses by respondents may not be significant, it is important to note that such practices nevertheless take place. Practices most frequently cited are: (a) `buying' or bribing union leaders; (b) dismissing or laying off elected leaders; (c) suing union leaders; and (d) non-transfer of union dues to unions. These are the union avoidance tactics used by employers (Table 32, Appendix).

As regards victims of anti-union discrimination, 40% of respondents claim victims are not compensated, while 30% claim otherwise. Likewise, 30% do not know (Table 33, Appendix).

In cases of unjust dismissal, 43% of respondents say victims are not reinstated, while about 32% say victims are reinstated. About 25% do not know (Table 34, Appendix).

A big proportion (44%) of respondents acknowledge the occurrence of strikes in their enterprise, while about the same proportion (43%) claim otherwise (Table 35, Appendix). This finding implies a relatively high propensity of strikes in the sectors covered.

When asked if employers punished or retaliated against strikers, majority (56%) say no. Nonetheless, a significant proportion (29%) claim the opposite, which indicates that there are still many employers who punish or retaliate against workers who go on strike (Table 36, Appendix).

The above survey findings corroborate earlier findings by Nuon and Serrano (2009). In their 2009 garments sector baseline study, though majority (58%) of the respondents claim they were not discriminated against or disciplined by their employers in view of union membership, a significant number (29%) claim the opposite. About 61% of all respondents indicate they or their fellow union members' had experienced union membership discrimination and harassment by employers. One in five say employers are attacking or threatening unions or their agents.

The same study also highlighted a relatively high incidence of strikes in the garments sector as 70% of respondents claim there had been strikes in their factories. When asked about the fate of the strikers, responses vary: only 40% say that strikers are not punished or retaliated against; about one in four (25%) claim otherwise; and about 36% do not know.

Overall, the 2009 study by Nuon and Serrano found that a higher unionisation rate reduces the propensity of employers to take anti-union disciplinary and discriminatory practices. Also, union action of reporting to government alleged violation of union rights may deter to some extent the

commission by employer of anti-union disciplinary and/or discriminatory practices.

Internal problems and challenges

1. Small membership, membership apathy and limited financial resources

Small membership

Trade unions are seen as small and unprofessional organisations. Their leverage is not high due to a number of factors, one of which is that there are fewer workers joining unions. With very low union density (less than one percent of the work force), employers and the government do not see unions important and worth dealing with seriously. Certainly, this small membership also results in having little resources to build trade union organisations. Except in hotels and airports, many workers in the service sectors are not organised. Banking, finance, security and other manufacturing enterprises are not at all unionised. The absence of union existence in many key sectors, except in the garments sector weakens the voice and visibility of unions in the country.

Membership apathy

As far as membership is concerned, the collection of membership dues presents the biggest challenge. Irregular payment of membership dues or the removal of membership status due to loss of job as a result of factory closure makes the work of unions more difficult. Workers are not fully aware of the existence of the unions and find them less useful simply because they do not understand the principles or the practice of unions in their sector. Many workers join unions just for immediate needs without understanding the long term benefits of a democratic union. Union principles are not widely disseminated to stakeholders, especially to grassroots members.

Unions can be strong or weak depending on their members. Strong members are those who understand the benefits of having a union and

take part actively in union related work. This is not the case for unions in Cambodia. They are not eager to update either their technical skills or their advocacy skills. In short, they are only interested in their daily work, income, and livelihood.

In the 2009 baseline survey in the garments sector by Nuon and Serrano (2009), it was found that majority (67%) of the workers interviewed aver they are aware of certain laws or regulations that protect their rights as workers. About 43% of the respondents tick specific rights which they think are protected by laws and regulations, of which about one in four (24%) cites the right to form, join and assist a union.

Focusing on the garments sector, the same study reveal that majority (77%) of respondents participate in union training courses. The specific courses attended by respondents are the following: unionism (67%), labour law (12.5%), collective bargaining (10.5%), labour law (12.5%), dispute resolution (1.6%), and others (8.2%). Those who do not attend union training courses were asked about the reasons for non-attendance. Performance of overtime work is the major obstacle cited by a majority (57%) of respondents. About 17% prefer taking a break (over attending union training) and 16% say they do not want to cause stress on their relatives who occupy management positions in their companies.

Almost all unions in Cambodia do not have their own resources to run training programs for their members. They only depend on various international and national organisations and global unions to fund their education activities. Without support from these organisations, they hardly afford to bear the cost of training. These realities thus account for the general low level of awareness among workers of their rights and of unionism.

Limited financial resource

All Cambodian unions struggle with the challenge of maintaining financial viability. Many unions are forced to receive funding from sources other than members such as political parties, companies, or both. There are various reasons for them not to bother about being self-reliant. First,

they do not have many members or the members do not pay dues, or when they do payment is irregular. Second, unions representing labour intensive sectors like garments or construction have members whose wages are extremely low. This means that even if dues are collected, they are necessarily set at a level that makes it impossible to meet the financial commitments of a modern and vibrant organisation. Third, unions have dues structures that operate from the grassroots level up, meaning that dues are collected in the workplace, then a proportion, about 50% of the money collected, is passed on to the branch level, then a proportion of that to the national level. This translates into lack of resources at the centre to hire sufficient and suitably qualified staff to work on key union services and public policies and strategies or as full-time organisers, union educators and staff, or labour lawyers.

With low wages, few members can afford to pay union dues. Unions usually set dues at around 1,000 riels (25 cents of a US dollar) per month or 1$ for union members working in hotels. No federation or union can financially rely solely on dues collected for their survival. Some federations and unions privately admit that only about 10% of members are paying dues.

2. Limited democracy and independence

Democracy and independence are key principles in determining the strength of unions. However, there have been huge deficiencies in these two main areas.

Limited democracy

Decision is normally made by leaders who are mostly male even if majority of members are female. Many unions do not organise and convene their Congress as frequently as their bylaws state. There is greater distance between national and affiliate unions and their members and, therefore, little consultation and engagement between the layers of the unions. For example, by law and also as a matter of decorum, before going on strike or making collective bargaining demands union leaders must first consult

their members and organise votes. Almost none of the unions resort to this for financial and other reasons. With this culture and practice, power is concentrated in the hands of union leaders. Unions rarely make it a point to communicate, much less, make members understand the bylaws, activities, and plans. This absence of communication alienates members from the unions so they do not participate in union activities with passion and interest.

Lack of independence

Lack of independence is another area of concern. Very few national federations stay independent. For various reasons including limited resources, the need to survive, or personal interests, leaders accept support from external parties, political parties, donor organisations and even employers. External influence then becomes inevitable. Minimum wage negotiation is a case in point to demonstrate the dependency of many national federations on government. Pro-government unions are always ready to accept government's proposal which normally favour employers even if this is contrary to union members' desire to push for higher wages.

3. Limited membership services especially weak collective bargaining and collective campaigning actions and small achievements

Because of poor resources in terms of finances, capacity and skills, unions at both local and national levels have provided very little support to members and affiliate unions. The union's common activities such as organising, membership training, collective bargaining, responding to members' problems and concerns, as well as political and legislative actions, are carried out to a very limited extent. This limitation makes unions weak so they eventually lose members and face little prospect of gaining more members.

Collective bargaining, a key function of the union, has become very rare, with very few organisations actually managing to forge agreements. The limited number of concluded CBAs has been attributed to unions' limited

capacity and little commitment to pursue negotiations. Moreover, many of these CBAs provide little gains and often merely reiterate what is already provided under the law.

As for campaigning actions at the national level, unions have managed to engage in a number of political actions and campaigns. Most of these campaigns and political actions rely on funding support from other sources, primarily foreign funding organisations. This financial dependency discourages union members from taking part actively in campaign discussions, thus, making campaigns irregular and funding-driven. CLC, CCU and CNC figure out prominently in public campaigns and actions, but not the other two national centres CCTU and NACC.

Over the past ten years, unions across sectors have achieved very little. Little gain has been made from the shop-floor bargaining. Union action is concentrated more on resolving grievances and externally-funded training. At the national level, the image of unions has not been good either and they are rarely seen as convincing or motivating. Unions are still divided, politically influenced, and are neither effective nor influential in social dialogues. Only the garments sector can press for a minimum wage. Moreover, a wage increase, if there is any, does not conform to the demand of labour. Neither government nor employers listen to the demands of labour. The demand for service charge by hotel workers, which has been dragging for years, is a case in point. Minimum wage and social security coverage for construction and other non-garments sector workers are yet to be established even though unions have been clamouring for them for years.

4. Issues on leadership integrity, limited leadership skills, organising and organisational development

Many union leaders seem to work for their own benefit rather than for those they claim to represent. Union multiplicity also arises as a result of the rent seeking behaviour of unscrupulous union leaders.

Union development has been weak owing to the lack of vision and commitment among leaders. Leaders usually do not have the skill and knowledge in improving union finances, union structure, organisational strategic planning, and activity implementation and monitoring. Likewise, the union executive team and staff are not well-trained on union development, administration and leadership. Many unions are not well-structured either. They do not have a clear vision for the organisation, a strategy or an action plan. In most trade unions, review or assessment is virtually nonexistent.

Union organisers may find it easy to comply with administrative requirements to set up the union but their ability and skills to organise a strong union with support from members physically, spiritually and financially is limited. Union organisers and leaders have limited working knowledge of legal issues and human resource management. The fact that union leaders do not have the knowledge and skill to organise or to unite members creates an atmosphere of lack of mutual sincerity among union organisers and members. As such, members have little faith in their unions. Workers, consequently, feel no sense of ownership of the union. This situation makes the union vulnerable to control by outsiders especially those who are powerful and influential.

As discussed earlier, trade unions are still beginning to develop their capacity to negotiate. This gap in negotiating skills partly explains why there are only a few CBAs negotiated to date. Moreover, trade unions have limited knowledge of collective dispute resolution. A survey by Nuon and Serrano (2009) found that a measly 6% of the respondents were able to give the correct steps in labour dispute resolution as provided by law. This means that when it comes to dispute settlement process, most workers have limited knowledge. This limited knowledge may be due to the failure of unions to provide adequate training on dispute settlement. The same survey found that only 2% of respondents have attended a dispute settlement training course.

Divided interests among trade union members, leaders and intervening actors such as political parties also threaten to dilute established union goals and objectives. As discussed earlier, many unions find it difficult

to be neutral and independent as they are often influenced by political parties or employers.

5. Lack of accurate and updated database on industrial relations and limited labour support research, intellectual capacity, and information sharing and dissemination

Another pressing issue is the lack of a system of information collection and dissemination among workers and unions. Information about workers and unions have not been collected systematically and regularly through transparent and valid methods due to the lack of a research institute or an agency focusing on labour. To date, even basic data on union density per sector is wanting. Cases and records of labour and union rights violation have not been documented properly. Neither are there concrete studies on the impact of economic policies on workers' wages and working conditions.

There is also a general lack of labour oriented research from which unions can mine data and information to guide them in planning their strategies and campaigns. There are some NGOs and organisations focusing on labour issues and studies. But the capability of union technical staff and union leaders to carry out studies and articulating and arguing their strategies remains limited. In addition, there is little information access and sharing among unions since they do not have any system or centre to coordinate these functions as they rely often on support organisations to fill the gaps.

Arguably, the lack of reliable and updated labour and related data constrain workers and their unions to come up with effective union strategies. It also provides an opportunity for less qualified leaders and repressive employers to suppress workers' rights by circumventing the intents of the law. In some cases, employers manipulate or divert labour issues and make them appear as criminal cases or civil disputes.

6. Multiplicity, proliferation and division among unions

The number of unions has been increasing. In the garments sector alone, there are over thirty national federations. The number of federations and confederations has increased incessantly due to two motivating factors: the personal motivation to be union a leader and the ease to form a federation or union. The large number of unions makes it difficult to achieve consensus on particular issues, strategies or demands. The proliferation of unions also projects an image of fragmentation and divisiveness within the trade union movement. Many NGOs whose budget and areas of interest allow for support of labour activities find it hard to work with unions as there are so many of them.

A lot of these unions are small and almost inactive although formally registered. In the garments sector for example, ILO Better Factory monitoring suggests that on average there are four unions in one factory. But sometimes, in extreme cases, there can be more than 10 unions in one factory. This certainly complicates negotiations.

In addition to the multiplicity and proliferation of unions, competition and division among unions are also prevalent. Unions are in competition for membership, recognition, and for the support of political parties. This also confuses workers as to which unions to join. Unions are divided on a plethora of issues such as minimum wage rates, policy stance of government and employers, and labour demands, among others.

Union solidarity has been a major concern for many years. Because of different political tendencies and ideologies, bad experiences, and the long-drawn competition among unions, rarely have unions joined hands to push for collective interests. But in the campaign against employer-initiated reform for legalised short term labour contract in mid 2009, the unions released a joint statement against the attempt of employers and government to legalise short term labour contract.

7. Over-reliance on external organisations for finance and labour campaigns

ILO, Global Unions and a few labour organisations often take the lead in gathering unions from different political tendencies to discuss and prepare for social dialogue, campaigns or other concerns. For many years this role has been undertaken by non-union actors supportive of labour. But their reliance on these actors made unions complacent. Unions are not making efforts to initiate consultation and liaise among each other. Financial limitation may be partly to blame for this, but this is also due to the lack of commitment to become self-sustaining and independent. External organisations with their clout can also pressure or influence unions and hinder them from creatively dealing with their collective issues independently.

Unions' internal and external problems: survey findings

To validate what literature says as well as the common perceptions of the internal and external problems and challenges confronting unions, we surveyed workers about their thoughts on contemporary problems and challenges facing their unions.

Of the 84 unionised respondents, at least 20% of respondents cite the following as common internal problems confronting their unions (Table 37, Appendix):

- limited participation of women in union activities and leadership
- limited education and training opportunities for union members
- limited capacity for negotiation
- limited funds and low collection rate of union dues
- limited organising capacity

To a large extent, these are the same problems that have been persistently plaguing unions for nearly two decades now.

On the other hand, the external problems cited by at least 20% of the respondents are (Table 38, Appendix):

- poor enforcement of labor laws and compliance of employers to labor standards
- apathy of non-union members
- employers' union avoidance tactics

The foregoing lists of internal and external union problems bear some semblance to those identified in the 2004 ILO trade union survey which involved structured interviews with leaders of union federations. The ILO trade union survey identified the following as major issues that federations faced:

- The killings, violence, and `gangsterism' associated with leaders and members
- The overlap of representation in some industries
- The limited capacity of the Ministry of Labour
- The need for collective agreements
- Employer discrimination against union leaders and members
- Reliance on international funds that can drive objectives and activity
- The need to better represent workers in the informal sector

Note that majority (57%) of respondents in this survey belonged to local unions while the 2004 ILO union survey covered union federation leaders. It could thus be said that the internal problems raised in this report are more local and union-based, or those that union members immediately and directly experience. The issues raised in the 2004 ILO union survey, on the other hand, were more general and pertained to the overall situation of the trade union movement. Nonetheless, there were similarities in the problems raised, such as: the limited capacity of the Labour Ministry to enforce labour laws and compliance to labour standards; limited negotiation capacities of unionists leading to few CBAs; and union avoidance by employers (i.e., discriminating against union leaders and members), and the killings, violence and `gangsterism' experienced by union leaders and members. The need to represent workers in the informal sector, as cited in the 2004 ILO union survey, may relate to the apathy of non-union members. Overall, we can generalise that most of

the issues and problems raised in the 2004 ILO survey continue to bedevil unions today.

Summary

Multiple challenges confront trade unions in Cambodia today. Employment instability in a shrinking labour market, job insecurity and the rise of non-standard forms of employment, poor labour law enforcement and corruption, an underdeveloped industrial relations system, and intense union avoidance by employers, are some of the major external challenges that unions face. Unions have to grapple too with a number of internal challenges. These challenges include small membership, membership apathy and limited financial resources; limited democracy, independence and solidarity; limited membership services, especially weak collective bargaining and collective campaigning actions; questions on leadership integrity, limited skills on leadership, organising and organisational development; limited labour support research, intellectual capacity and information sharing and dissemination; multiplicity of unions, proliferation and division among unions; and over-reliance on external organisations for finance.

Some of these challenges require radical changes in the economy and the political environment. Certainly, a relatively young trade union movement in the context of a fledgling industrial relations system is not expected to address all these challenges at least in the medium term. Nonetheless, these challenges require a collective, comprehensive and well-thought out union building strategy that begins with a serious rethinking of trade union purpose and strategy. The next chapter explores the prospects of union building in Cambodia and provides a general framework for union building and strategy for Cambodian trade unions.

4 Critical Areas for Union Strengthening, Development and Expansion

Most trade union movements all over the world have been experiencing precipitous decline in membership, bargaining power, and political influence. As such, many trade union movements focus their attention to union renewal or union revitalisation to arrest overall union decline.

According to Aganon, Serrano, Mercado, and Certeza (2008: 44), there are essential elements that comprise union revitalisation. These are: (1) a broader articulation of trade union identity and purpose defined by a class/populist/social movement type of unionism; (2) focus on organising; (3) membership involvement and activism; (4) union democracy; (5) opening up and building autonomous, equal and democratic alliances and partnerships with other social movements; and (6) labour internationalism.

Arguably, the need for union revitalisation in Cambodia is not as urgent as in other countries experiencing precipitous decline in union membership and influence. Cambodia's trade union movement is young, having just emerged in the 1990s. What is crucial is the transformation of old concepts and practices of unionism inherited in the past era of state-controlled unionism. This, along with the six elements listed above, should punctuate union building and revitalisation in Cambodia.

This chapter reviews and analyses relevant literature on union building and revitalisation in an attempt to come up with important guidelines on the development of a union building and revitalisation strategy for Cambodia. The findings of the two separate surveys covering select unionised and non-unionised sectors are also cited. This chapter highlights critical areas for union development and expansion both in unionised and non-unionised sectors.

Union building and union revitalisation

The Cambodian trade union movement is still in its infancy. It is still in its early years of development. It has yet to experience the decline that older and more mature unions in many parts of the world have experienced in recent years. This does not mean, however, that unions in Cambodia should put revitalisation on the back burner. On the contrary, union revitalisation needs to be articulated in the labour development agenda and strategy of trade unions in the country. Such articulation needs to be predicated first on transforming old thinking and practices of state-controlled unionism into an independent, democratic, rank-and-file oriented, and community-oriented unionism.

As mentioned above, Aganon, Serrano, Mercado and Certeza (2008) provide six key elements that comprise union revitalisation. Key informants and survey findings point to these elements as critical areas in building a union development agenda and strategy.

As our findings indicate, an enterprise-centric notion of unionism dominates the thinking on trade union purpose. This is not surprising as the early influence of union education introduced in the country after the collapse of the planned economy regime came from the US-based AAFLI. Enterprise-based unionism in a liberal market economy highlights the kind of unionism prevailing in the US trade union movement. A focus on economic gains or 'simple materialism' underscores enterprise based unionism. To a large extent, simple materialism, which to Friedman (2009: 130) is "a philosophic approach that privileges what labour activists do and the practical, material activities of workers," has become the dominant

labour philosophy among trade unions in Cambodia. Simple materialism is "a convenient philosophy for labour organising as it highlights what workers do and the material deprivation they suffer," thus "privileging reformist economic struggles over campaigns to empower workers" (ibid: 130). Friedman laments that this simple materialism has turned means into ends. Although wage concerns are important, simple materialism has made union leaders go astray from the labour movement's original goal of eliminating exploitation and winning for workers the respect and the control over their lives as workers and as citizens.

> Paradoxically, it [simple materialism] has also been a convenient philosophy for union leaders who seek to minimise conflict with employers and state officials by emphasising wages rather than challenging capitalist prerogatives such as control over hiring and firing or the management of the workplace. Thus, simple materialism became the social philosophy of a labour truce exchanging labour peace in an autocratic workplace for higher wages. (ibid)

By privileging economic concerns as the ends themselves, simple materialism separates the unions from other social causes, thus "denying the link between workplace struggles and democratic campaigns in other parts of society" (Friedman 2009: 130-131).

In the light of the above, unions in Cambodia need to go beyond the simple materialism of an enterprise-centric unionism in rearticulating and reframing trade union purpose and identity. As a first step, this would require a reorientation of labour education programs provided not only by unions but by labour-oriented NGOs and other local and international labour support organisations. Building alliances and jointly working on labour-oriented programs, campaigns and activities with grassroots-oriented NGOs, people's organisations and social movements can provide unions valuable learning and skills in organisation, mobilisation and movement-building and the needed community-oriented activism that unions require to go beyond the narrow confines of the labour philosophy of simple materialism.

Of course, as Hyman points out, it is unlikely to expect a radical transformation of historical union forms. Nonetheless, there is the possibility and necessity of "a revival of organisational capacity, of internal democracy and of labour activism" (Hyman 1999a). He points to the revival of the "populist campaigning type" or social movement model of union identity impelled by the unions' waning membership and thinning power resources in many parts of the world. In the case of Cambodia, there are unions that began as "populist campaigning types" particularly right after the collapse of the planned economy regime. In this regard, the historical development of unions in Cambodia is also marked by a "populist campaigning" culture of union organising. A revival of these types of "populist campaigning" unions is thus possible. Nonetheless, such renewal project should emphasise internal union democracy and a re-articulation of union purpose to encompass social justice, human dignity and participative democracy.

To claim that it is a difficult task to go beyond enterprise-based unionism is tantamount to dismissing what many workers believe should be the core of trade union organisation model, that is, the combination of the mutual aid servicing model and the organising model. About 43% of unionised respondents in the survey highlighted the need to combine both models in building a union development strategy. Respondents also pointed to organising among the two main functions of unions (the other is dispute settlement).

Moreover, the benefits or advantages of being a union member that respondents cite showed a mix of economic and non-economic benefits, i.e., improved working conditions, more benefits, union education and training activities, less intimidation and harassment from employers, grievances addressed at the workplace, higher pay, sense of solidarity, legal assistance, etc. Here, we could surmise that workers appreciate not only the economic but also the non-economic and political dimensions of unionism. We could also infer from this finding that many unions have gone beyond economic unionism in the pursuit of its goals at the workplace.

To the extent that half of unionised respondents underscore promotion of members' material and moral well-being as their union's primary goal,

pushing for a trade union purpose beyond simple materialism is not an insurmountable task. Promoting members' material and moral well-being is predicated on the principles of social justice, peace and brotherhood. It advocates for workers' participation, cooperative enterprises, profit-sharing and joint ownership of production. These union goals are a pretext to a more transformative and democratic articulation of trade union purpose.

According to Aganon, Serrano, Mercado and Certeza (2008: 38), the servicing union model emphasises "the provision of union-sponsored services such as legal, education and training, welfare programs, and peer programs for union members and their families. Union leadership, with the assistance of the staff, takes responsibility for solving the problems of the members. Heavy reliance on the staff and on the grievance and arbitration process also characterises this model." The organising union model, on the other hand, utilises a rank-and-file intensive, bottom-up and inclusive union-building approach. According to Bronfenbrenner and Juravich (1998), the organising model stresses rank-and-file involvement in organising, certification election, and first contract campaigns, the use of personal contact, leadership development, and the utilisation of a combination of aggressive and creative internal and external pressure tactics. It involves members rather than union officers in the direct recruitment of non-members. It focuses on such principles as 'like-recruits-like' and 'organising local,' and actively directs its campaign to collective workplace issues. The principle of `like-recruits-like' involves an organising tactic which focuses on the recruitment of union membership by workers/union members who share the same characteristics (e.g., gender, occupation, same industry, etc.) as the potential union recruits. The organising local is another organising strategy that involves union members in a unionised enterprise organising non-unionised enterprises.

In building a union development agenda and strategy for Cambodian unions, Weil's (2005) strategic choice framework may be adapted. There are two dimensions in this framework - strategic leverage and organisational capacity. Strategic leverage represents a union's degree of influence or bargaining power. It can be sourced from the external environment in which the union operates (i.e., structure of industries,

labour markets, nature of technology and work organisation, and the state of regulation of labour policy). Organisational capacity meanwhile encompasses all facets of a union's internal structure, i.e., organisational structure, elected people, staff, volunteer positions, and human resource system. Strengthening both dimensions augurs well for union building and development.

Following Weil's strategic choice framework, the authors suggest a union development agenda and strategy that focuses on various elements of the two dimensions:

Table 39. Union Building and Development Agenda and Strategy

Strategic Leverage	Organisational Capacity
Advocating for legal framework improvement and labour law enforcement, promoting respect for freedom of association and independence of unions and recognition of labour unions as equal and respected partners in development and democracy building	Focus on organising using concepts such as like-recruits-like, organising local; creating rank-and-file organising committee; soliciting workers' bargaining proposals during organising campaigns; and extending organising to non-unionised sectors, especially telecom, banking and agro-processing and membership involvement, and commitment enhancement
Working with social movements and labour organisations for social justice, dignity, and democracy	Organisational restructuring of unions (merger of federations instead of splits; internal reorganisation; organisational development including promoting transparency, democracy, independence, membership services, planning and monitoring and evaluation; embedding women-friendly structures and policies); social dialogue among unions (coordination and cooperation between and among unions)
Using global organisations and platforms to wage and coordinate campaigns and mobilisations	International links and alliances with other unions and labour organisations for information exchange, campaigns and mobilisations and increase labour supportive research and labour intellectual capacity

Table 39. (Continued) Union Building and Development Agenda and Strategy

Strategic Leverage	Organisational Capacity
Extending the concept of Better Factories Cambodia into other sectors through ILO's support	Enhancing collective bargaining and social dialogue for both local and national levels Critical engagement with employers to forge collective bargaining agreements, in monitoring compliance to labour standards using BFC framework, etc.

Enhancing strategic leverage

Critical to enhancing strategic leverage is a legal framework conducive to the promotion of workers' rights and the development of trade unions. In this regard, the enactment of the trade union law that strengthens core union rights, i.e. the right to organise, the right to bargain collectively, and the right to strike, is seen as a positive development. Unions, in coalition with international labour support organisations and NGOs, must wage a strong campaign and engage in collective political mobilisation to ascertain that these rights are strengthened in trade union law.

Labour inspection is critical to labour law enforcement. The MoLVT is faced with constraints both human and financial in undertaking labour inspection. It is only in the garments sector that proper inspection of factory conditions has been done. Inspection in the garments and shoe factories is, however, undertaken by the ILO BFC which monitors conditions, gives advice, and provides training to management and unions on workplace cooperation. But this is limited to garments factories producing for export.

Nonetheless, unions can take up the issue to the government and the ILO to extend the inspection and support provided by BFC in other garments factories and other enterprises, considering that the government has publicly taken labour standard compliance as a competition strategy. At the workplace level, unions may step up their education drive to inform workers of their rights under the Labour Law. Without this capacity from unions, NGOs and other labour support organisations may provide education on this aspect. Setting up a labour standards or grievance

committee at the workplace where workers can voice out alleged violations of their rights at work may inhibit the propensity to commit violations.

In cases of severe non-compliance to labour law and labour standards, particularly by multinational corporations and their subsidiaries and enterprises in the supply chain, global labour organisations may be tapped to wage and coordinate campaigns and mobilisations.

Results of the survey undertaken in this study show a thriving alliance of unions and various other organisations. Majority of respondents affirm their unions' affiliation with federations. Nearly half claim their unions have alliances with international union organisations and international labour support organisations. Over a third said their unions have links with NGOs. About 30% claim their unions have alliances with political organisations. Unions also coalesce with women's groups and human rights groups (Table 40, Appendix).

Establishing alliances either formal or informal with other labour organisations and support organisations has also been identified as among the key strategies to union-building and development.

The strategy of forming community-labour coalitions has also been cited by a sizeable portion of the respondents (nearly a third). This finding hints at the increasing importance of building alliance with social movements as a union organising strategy to increase union leverage. Alliance with or joining social movements offer opportunities for trade unions to learn from the mobilisation expertise and activism of NGOs. It enhances union voice by expanding the terrain of opportunities for unions to push and work for the protection of workers' rights and welfare. It broadens the societal support for workers' struggle. It also provides an opportunity for unions to legitimise their role as part of a social movement for social transformation.

The advantages of having these alliances for unions have been identified in the survey findings. Through these alliances unions source additional funding/finance; get assistance in organising; get education and training on needed skills; access needed research; and enhance their image and legitimacy in the public.

However, there appears to be an absence of linkage with the academe. To the extent that labour research is wanting in the trade union movement, there is need to identify an academic institution or a university that could provide such support. Alternatively, international support organisations such as the ILO, the FES, and the LO-FTF can tap the research and training expertise of an academic institution or university for the union movement. These organisations can take students from universities in Cambodia as interns while doing research on the labour movement.

Enhancing organisational capacity

The findings culled from the survey provide useful insights into several elements that are critical to enhancing organisational capacity. The relevant findings in the surveys pertaining to both unionised and non-unionised respondents are presented below.

Union building and development for the unionised sector

1. Organising strategies

Survey findings reveal the use of a combination of strategies in the workplaces that are already organised. Combining these organising strategies can enhance the success rate of organising drives:

- Home visits to target members
- Meeting away from the workplace to promote membership
- Holding small group meetings during organising campaign
- Launching media campaigns
- Having a rank-and-file committee involved in organising
- Use of a consultant
- Enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept)
- Holding solidarity days, rallies, and job actions

The use of an array of strategies suggests a level of vibrancy and innovativeness in union organising in Cambodia, at least for the sectors covered. However, many of these strategies are seldom used such as

setting up of an organising committee or team among targeted members and home visits to target members, but can increase the chances of success in organising campaigns if used more frequently. Nonetheless, the utilisation of these strategies suggests a promising tendency toward a more grassroots rank-and-file oriented union organising approach. What is then needed is to replicate this organising approach in other (and non-unionised) sectors.

Union organisers and activists need to be trained on techniques of organising and advocacy. Mistakes cannot be avoided but they should learn from mistakes and analyse the cause of failure. They should endeavour to acquire a working knowledge of the legal framework established to cover individual sectors, e.g., that industrial relations are governed by Labour Law, civil servants by the code on co-statute of civil servants, and the informal economy by international instruments, etc.

2. Focus on member servicing and organising

Respondents must identify which they think should be the primary focus of union strategies to increase union membership and strengthen unions. A large number of respondents (42.5%) point to both member services provision, and increased organising and enhanced membership participation. Between the strategy of member services provision and the strategy of increased organising and membership participation, respondents prefer the former (35.6%) to the latter (5.5%) (Table 41, Appendix).

The specific focus on union strategies to increase union membership is strongly related to employment status (p-value: 0.001). As Figure 11 (Appendix) indicates, half of respondents with contractual fixed term status advocate both the member-servicing and the organising model. About 42% preferred the servicing model. Half of those with contractual renewable status prefer both models. Meanwhile, a great majority (75%) of the regulars preferred both models. Majority (75%) of undocumented regulars, regular workers without contracts, say they do not know.

Time spent in the current job is also related significantly to perception of what should be the primary focus of union strategies to increase union membership (p-value: 0.021). Majority (66.7%) of respondents working for less than five years prefer both the servicing and the organising models. Majority (58.6%) of those who had spent 5 to 10 years in their work opted for the servicing model, while about 27.6% choose both models. Of those who had been working for more than 10 years, 37.5% prefer the servicing model and 31.3% the organising model (Figure 12, Appendix).

We can also generalise from these findings that the rank-and-file intensive organising approach (the organising model) is the least preferred among the choices, and that a combination of both models is the most preferred.

There is also a significant relationship between the number of years a union has been operating in an enterprise and focus of union strategies (p-value: 0.001). A great many of those who say that their union has been operating for less than five years (41.7%) opt for both the servicing model and the organising model. One in four respondents prefer the servicing model. Meanwhile, of those who claim their union has been operating for about five to 10 years, majority (51.6%) opt for the same model. About 45.2% choose both. Majority of those who say their union has been operating for more than 10 years, (55.6%) cannot choose (Figure 13, Appendix). About one in five, however, prefers both models. Here again, we can see that even taking into account the length of time the union has been in existence in the enterprise, the least preferred is the organising model and the most preferred is a combination of both models.

3. Strategies on membership recruitment

Unionised respondents were asked which strategies their unions used in recruiting members. The following are the most common (Table 42, Appendix):

- Home visits to target members
- Meeting away from the workplace to promote membership
- Holding small group meetings during organising campaign
- Launching media campaigns

- Having a rank-and-file committee involved in organising
- Use of consultant
- Enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept)
- Holding solidarity days, rallies, and job actions

We can say that utilising these organising strategies can enhance the success rate of organising drives.

Table 43 (Appendix) shows a menu of strategies utilised by unions in recruiting members. The results indicate the frequency these strategies are utilised. Organising a rank-and-file committee stood out as the strategy always utilised by unions. Strategies that are used most often include: (a) use of consultant (97.2%); (b) conducting survey among members on collective bargaining proposals (95.5%); (c) holding small group meetings during organising campaign (88.9%); (d) meeting away from the workplace to promote membership (87.8%); (e) enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept) (86.7%); (f) launching media campaigns (86.1%); and (g) holding solidarity days, rallies, and job actions (77.8%).

That about one in three respondents utilised community-labour coalitions often hints at the increasing importance of building alliances with social movements as a union organising strategy to increase union leverage.

About 31% of respondents point to linking/affiliating with international labour organisations for support as a strategy they often utilise, suggesting that a significant segment of unionised sectors have international or global engagement.

Strategies that are seldom used include: (a) setting up of an organising committee or team among targeted members (principle of `like-recruits-like') (78.6%); (b) making home visits to target members (76.5%); (c) distributing leaflets to members (74.4%); (d) linking/affiliating with international labour organisations for support (69.1); (e) identifying grievances as bases for recruitment of union members (60%); and (f) utilising community-labour coalitions (59.1%).

The use of this array of strategies suggests a level of vibrancy and innovativeness in union organising in Cambodia, at least for the sectors covered. We can say that these strategies have contributed to a large extent to the success of `successful' organising drives. Arguably, a number of the strategies seldom used (particularly, the setting up of an organising committee or team among targeted members and home visits to target members) can increase the chances of success in organising campaigns when used more often. Again, utilising these strategies suggests a leaning toward a more grassroots rank-and-file oriented union organising approach.

4. Strategies that enhance membership involvement and commitment and internal union democracy

Unionised respondents were asked which mechanisms and strategies they think their union should prioritise in order to enhance commitment among members and strengthen the union. The most common strategies, cited by at least 30% of the respondents, are (Table 44, Appendix):

- Publication of grievance victories and losses
- Sending rank-and-file members to seminars and training provided by other labour-oriented institutions
- Sending local union members to organise unorganised workplaces
- Creating a rank-and-file organising committee to conduct recruiting activities among non-members

Intensifying and widening these strategies would certainly increase members' commitment to their union.

Respondents were also asked how frequently they utilise strategies that enhance membership involvement and activism. Survey results more or less confirm earlier findings suggesting a rank-and-file oriented approach. Again, unions employ an array of strategies that enhance membership involvement and activism, at least in the sectors covered.

Strategies that are always utilised are: (a) organisers spend their time in the field visiting new employees personally, and targeting systematically

unorganised units (73.8%); (b) stewards train to organise around grievances (71.4%); (c) election of stewards (65.8%); and (d) sending rank-and-file members to seminars and training provided by other labour-oriented institutions (57.8%). A significant number of respondents (30%) also mention sending local union staff members as organisers (Table 45, Appendix).

Strategies that are often utilised are: (a) publishing grievances victories and losses (95.2%); and (b) creating a rank-and-file organising committee to conduct recruiting activities among non-members (57.4%). A significant number of respondents say they also 'often utilise' the following: (c) sending rank-and-file members to seminars and training provided by other labour-oriented institutions (33.3% or 1 in 3 respondents); (d) allowing members to play an active role in preparing their grievances (32.4%); and turning local union staff members into organisers (30%).

Meanwhile, they seldom resort to allowing stewards to handle grievances (68.4%). Majority also say they rarely make use of the following: (a) assigning a grievance chairperson per chapter to handle all hearings; organisers handling only arbitrations (84.6%); and (b) filing two or more grievances per month (73.3%).

Majority of respondents say they have not used the following strategies: (a) increasing the budget for organising by raising dues (63.2%); and (b) allowing members to play an active role in preparing their grievances (62.2%). Unions generally face limited funds and low union dues collection rate. This may explain why the aforementioned strategies are not pursued. Nonetheless, that one in five respondents often utilised this strategy is a marked development. The members' lack of capacity to prepare or go through the grievance machinery process may explain why majority of respondents said allowing members to play an active role in preparing their grievances is not at all utilised as a strategy. It could also be that grievance preparation and documentation are already among the services provided by the local union or federation.

The intensive utilisation of rank-and-file structures, processes and tactics to enhance membership involvement and activism is a good strategy to prevent membership inertia as well as to embed democratic processes in

the union. An active membership that is involved in the major functions and activities of the union inhibits the entrenchment of union leadership.

5. Enhancing women's participation in trade unions

The results of the survey show that only one in three union officers is a woman. The same trend is observed in the composition of the bargaining team where women make up only 30.5%. This is despite the fact that majority of union members in the sectors covered were women. These findings indicate that women are disproportionately represented in union leadership and bargaining team.

For women to get involved in leadership, capacity building through training and actual assumption of leadership roles is necessary. Involving women in most of the activities and projects, especially in the decision making process, is likewise a good way of training women for leadership.

Unions should have specific policies and structures on women involvement. This would encourage women to participate and involve themselves in union activities. Women need to be involved too in the various training and capability building activities of the union and other support organisations.

Organisational restructuring and union democracy

Multiplicity of unions at all levels and continuous splits among labour federations weakens unions' organisational capacity. Union mergers instead of splits have been sought by many unions in many parts of the world to strengthen organisational capacity by increasing membership, increasing resource base, and enriching the organisational culture of the union. Unions also undertake internal reorganisation. Embedding women-friendly structures and policies is one form of internal reorganisation. Amalgamating small unions belonging to one sector or a defined territorial coverage into one big amalgamated local union is another. The only merger that has taken place in Cambodian unions was between two large construction federations in 2009 with support from BWI. The merged

union is now almost the only union representing workers in the sector and is growing further through increased membership. It is bargaining and campaigning for better protection and benefits for workers in the industry. It serves as a fine example for unions in other sectors of how a merger can consolidate unions into a single or fewer unions more capable of representing their sectors better.

Unions may also explore adopting a `committee system' as a substitute to the shop steward system. This committee system can be instituted in every organisational and operational structure of the union from the department to the plant level. The committee system serves as an organ of democracy at every level of the union hierarchy. In the committee, it is expected that every member participates not only in the decision-making processes but in the successive stages of planning, implementing and administering. Through the committee system, the democratic principles of equal participation and regular consultations at every level, organ and hierarchy of union leadership and structure can be introduced.

Organisational development and union education

As discussed in the previous chapter, union leaders, union staff and union members do not have adequate knowledge and skills on organisational development. Organisational development involves skills on planning, budgeting, training, education and research, finance and resource mobilisation, membership mobilisation, monitoring and evaluation, project development, and coalition building. These are the capacities that union leaders, organisers, staff and members need to develop to enable them to strengthen their union's organisational capacity. NGOs and labour support organisations both local and international may be tapped to provide training on organisational development.

As a first step, unions must be able to come up with their own formulated vision-mission statement. An example of a vision-mission statement is:

> We envision a society where workers are the primary force in the development of society, a society where the working class has a decisive voice in the economic, political and socio-

> cultural sphere, a society that is truly progressive, just and free.

The process of coming up with a vision-mission statement should include all members. This can be done in a workshop facilitated by federations, GUFs and international support organisations with expertise on the matter. This vision-mission statement should be subject to review and re-validation for a specified period (say every 5 or 10 years).

Unions may also consider coming up with a three-year strategic plan with an annual assessment of accomplishment. Again, members should be involved in this strategic planning and assessment processes. Federations and GUFs to which unions are affiliated as well as international support organisations can initially facilitate the conduct of these activities. Unions themselves should be able to conduct these activities themselves through learning-by-doing.

On union education, the idea of union as a school of learning must be promoted. Unions should aim that every union member learn how to manage and run an organisation, learn how to lead in the discussion, write in the union newsletter, and impose discipline, among others. Focus should be given on continuous education for all members, from the leaders down to the rank-and-file.

A more innovative and participative method of union education is the study circle. This method allows members to choose freely topics relevant to their work. The union educator initially acts as facilitator then gradually chooses the local leaders and members who will take over the discussion until the end of the topic. This educational method not only serves as a way for the local union to orient members but a means of building up the capability of second-line leaders (Aganon, Serrano, Mercado, and Certeza 2009).

Special trainings may also be conducted on such areas as grievance handling, paralegal, financial management, bookkeeping, gender sensitivity, organisational development, and labor relations. Unions can source educational assistance from the ILO, the FES, the LO-FTF, NGOs, and even the Ministry of Labour.

Learning-by-doing may also be promoted in preparing for collective bargaining. A union should ensure that every member from the leaders down to the rank-and-file are involved in all phases of negotiation. To ensure that proposals from all members are heard and considered for negotiation, each member undergoes a crash course on collective bargaining prior to CBA negotiation. The union may devote several months (say four to five months) before negotiation or renegotiation to conduct surveys, feedbacks, and rigorous discussions. Before the start of formal negotiations, the union may choose to conduct a plant "rally" of members to show management that it has the workers' overwhelming support.

Enhancing collective bargaining and social dialogue for both local and national levels

Collective bargaining is a process of discussion and negotiation between unions and employers on terms of employment and working conditions. The bargaining results are concluded in a binding agreement. This process helps accommodate conflicting interest between workers and employers since the former seeks better work condition and remuneration while the latter more profits. Social dialogue, on the other hand, is defined by the ILO as a bipartite or tripartite process in which all types of negotiation, consultation or exchange of information takes place in order to ensure democratic participation in discussions related to workplace issues and economic and social policies, as well as to promote industrial peace and boost economic progress (ILO, Social Dialogue – www.ilo.org/public/english/dialogue/ifpdial/areas/social.htm). It should be noted that social dialogue does not necessarily result in reaching a binding agreement and is much broader in scope than collective bargaining.

Bargaining at enterprise level

Unions have not been successful in bargaining for better wages, benefits and working conditions, which are determined more by competition between employers. Not only is there a very limited number of collective bargaining agreements concluded, these agreements are confined in the garments and hotel unions. In around 300 garments factories, only

over ten CBAs have been concluded. This proves that bargaining at the workplace is very limited or almost non-existent. Moreover, the results of the negotiation are negligible.

There are a number of key constraints which render these negotiations futile. First, employers refuse to negotiate with unions and when they do they are not serious. Second, labour unions are typically uncooperative when it comes to bargaining with employers. It is harder for unions in the garments factories where there are more than one union that meets this criterion. Third, some unions do not realise the importance of negotiation. For example, some unions are qualified for MRS application but they do not commit to get this status.

The negotiation skill and capacity of unions is another area that needs development to make the negotiations better and achieve better wage and benefits and working conditions for members and workers. It is important that unions address three main barriers. First, local unions must create pressure using their membership strength and leverage to get employers to negotiate with them. They should get unions at the national level to encourage employer associations to prod their members to commit to the negotiation. CAMFEBA, the only employer association in the country, openly stated in 2008 and 2009 that they did not think negotiation was a priority pointing to multiple unions or economic crisis. Second, unions should be active in getting the status to oblige the employers to negotiate with them. This would mean they need to recruit more members and work to get this status. The planned negotiation gives the unions good and convincing reasons to recruit members. In the garments sector, option should be explored in cooperating with another large union at the workplace to acquire this status in accordance with the law; two unions can be a single bargaining agent if they agree to do so. This cooperation is almost nonexistent in the factory level. This shows high competition between unions in the factory without regard to the interest of their members. Third, the skills and capacity of negotiating unions should be upgraded through training and efforts on the part of unions.

Bargaining and social dialogue at the national level

Similar to the shop floor, national bargaining and social dialogue have not yet been considered important and meaningful. This is due to a number of factors. First, the bipartite and tripartite structures (Labour Advisory Committees and the 8th Working Group) have just been established recently and have yet to perform their functions. Union representatives in these bodies are mostly limited to unions in the garments sectors and dominated by pro-government unions that blindly support any proposal from the government. Second, the seriousness and activism of government and employers in this bargaining and negotiation are limited. As democracy in Cambodia is still young, parties have yet to internalise and learn democratic processes as an exercise. The image of unions do not sit well with employers and the government which consider them as weak though numerous. Third, unions are divided and many are not independent. It is hard to find one voice for unions on a particular issue or demand. It takes a lot of time and effort to coordinate unions' positions, with unions themselves vacillating even after committing to a collective position.

Campaigns for labour and social issues are very limited and ineffective due to a number of reasons. Only a few unions can embark on them due to division. The capacity to plan and conduct campaigns is low and unions often just depend on the initiative of NGOs.

In this light, there is need to address several critical issues. First, unions need to be active in pushing for better functioning and more democratic negotiation and consultation at the bodies. Unions need to compromise among themselves and accept differences and incorporate other voices and representation at these bodies. Second, unions need to be united to succeed in their demands. This is important to build the image of unions in the country. Ultimately, this will also lead to increased knowledge and participation of workers in unions. Unions should advocate for respect from other parties and find ways to coordinate effectively to form collective demands, as well as argue for the acceptance of these demands. Third, the skills and knowledge of unions need to be enhanced for this to work effectively. Union leaders should have a good understanding of law,

economics, politics, and able to generate data to be able to convincingly back up their demands. National campaigns on labour and other issues which affect workers and their family should be waged actively and frequently. Moreover, unions should be equally influential as their allies (e.g., NGOs). Since they represent stakeholders in the society, they should not be seen merely as a small party or passive followers in campaigns.

Organising in the unorganised sectors

The findings of the survey of respondents from non-unionised and/or nearly non-unionised sectors such as public service, banking, telecommunications, construction, beer promotion and tuk-tuk transport service, provide critical factors and indicators that indicate a strong inclination among workers in these sectors to organise.

1. Opportunities and motivations for collective representation and unionisation

Majority (63.6%) of respondents are positive about the idea of an opportunity for collective representation in their enterprise or sector. This implies readiness on the part of the respondents to get organised (Table 46, Appendix).

A worker's knowledge of the existence of a union in her sector strongly relates to her perception of the existence of opportunity for collective representation (p-value: 0.001). As can be gleaned from (Figure 14, Appendix), respondents who have heard of a union and see an opportunity for collective representation in their enterprise or sector (73.2%) greatly outnumber respondents who have not heard of a union in their enterprise and yet see an opportunity for collective representation (44.3%). Conversely, there are more than double (31.1%) of those who have not heard of a union and do not see any opportunity for collective representation than those who have heard of a union but do not see any opportunity for collective representation in their enterprise or sector. This finding implies that union visibility is a strong determinant of workers' propensity to organise.

How does sector of employment relate to a worker's inclination to welcome a union in her enterprise or sector? Survey results indicate a strong relationship between these two variables (p-value: 0.000). Although majority of all respondents in all sectors covered by the survey indicate their inclination to welcome a union in their enterprise or sector, a significant proportion of respondents in telecommunications (34.78%) are not inclined, while one in four respondents in the public service prefer an association.

Employment status appears to be strongly related to how respondents view an opportunity for collective representation (p-value: 0.000). Counting out self-employment, we can surmise from (Figure 15, Appendix) that as employment status becomes more secure or regular, the proportion of those who see an opportunity for collective representation increases. Conversely, the less secure the employment status, the higher the proportion of respondents who do not see any opportunity for collective action. We can surmise from this finding that job security is a critical determinant or an influencing factor in a worker's decision to organise.

Similarly, counting self-employment out, as employment status becomes more secure, the inclination to welcome a union tends to increase (p-value: 0.000). Conversely, as employment becomes less secure, the inclination to welcome a union tends to diminish. This tendency is especially apparent among those under contractual renewable status (Figure 16, Appendix).

2. Organising themes for the unorganised

But what would encourage respondents to organise? What do they expect from getting organised? What do they expect from their organisations? Survey findings identified several critical factors or themes that needed to be addressed to get respondents organised. These are (Table 47, Appendix):

- Increase in income
- Job security
- Improvement in working conditions and benefits
- Safety and health at the workplace

- Opportunities for skills training and upgrading
- Voice to air grievances
- Access to affordable credit (particularly for the self-employed)

These issues are certainly the ones that unions need to incorporate into their union programs, organising agenda and strategies. Though some of them may be difficult to address in the short or even medium term, some like safety and health, opportunities for training and voice for airing grievances are doable in the short term. What unions can do is adopt a strategic agenda in their organising drives.

About three in four respondents (76.8%) indicate their readiness to be organised into a union. About 6% prefer an association. Only 5.5% do not welcome a union in their enterprise. About 12% are uncertain whether or not they would welcome a union.

Among the self-employed tuk-tuk respondents, majority (70.6%) see an opportunity for collective representation. Meanwhile, 26% see no opportunity. As to what would encourage them to get organised, the most common motivations are: (1) pay increase; and (2) job security.

The inclination of a worker to welcome a union in her enterprise or sector is strongly related to various factors, particularly: job security (`Is it easy to lose your job?', p-value: 0.000); employment contract (p-value: 0.000); safety at work (p-value: 0.000); night work (p-value: 0.000); existence of an organisation that represents workers' interests (p-value: 0.000); and workers' perception of the existence of opportunity for collective representation (p-value: 0.000).

Majority of respondents (59.7%) claim that it is easy to lose their jobs and at the same time welcome a union in their enterprise. Those who claim that it is not easy to lose their jobs and at the same time welcome a union comprise 40.3%. Respondents who claim that it is not easy to lose their jobs do not welcome a union in their enterprise. This situation is the exact opposite of those who prefer an association. An overwhelming majority (81.2%) claim it is not easy to lose their jobs, compared to those who claim otherwise (18.2%). This finding may be related to another finding explaining why respondents prefer an association or cooperative over a

union—these organisations are less threatening to job security. Majority of those (57%) are uncertain whether to welcome a union or not say it is easy to lose their jobs. Those who claim otherwise comprise only 23.8% (Figure 17, Appendix).

These findings suggest that a promise of job security is a strong push factor for organising workers into a union. Even those who are undecided may be motivated to join a union if their job security is assured. This brings to light one critical issue that unions are expected to address – job security.

As for contract of employment, respondents without contracts and those who are self-employed tend to welcome a union in their enterprise (38.8%) more than those with written (23%) and verbal (13.7%) contracts. Of those who prefer an association, 82% had no contracts (Figure 18, Appendix). Again, this suggests that having a contract of employment motivates workers to consider organising into a union or an association.

Safety at work also appears to motivate workers to welcome a union into their enterprise. As indicated in the table below, those who feel safe at work and welcome a union (52.5%) outnumber those who do not feel safe at work but nonetheless welcome a union (41.7%) (Figure 19, Appendix). This holds true among respondents who prefer an association. Again, safety at work is a critical and less political factor that unions can use as an entry point for organising.

Among those who work at night, those who welcome a union (61.9%) outnumber those who do not (11.1%). Among those who do not work at night, those who do not welcome a union (88.9%) are more numerous than those who do (38.1%). This trend is reversed among those who do not welcome a union. Almost all of those who prefer an association do not work at night. These imply two things: one, unions appeal to night shift workers; and two, night work is an effective organising theme or issue for unions and other workers' organisations.

Awareness of the existence of an organisation is strongly related to a worker's inclination to welcome a union in her enterprise or sector. Respondents who are aware of an existing organisation and at the same

time welcome a union (52.5%), outnumber those who do welcome a union (20%) and those who prefer an association over a union (9%). Those who claim that no organisation represent their interests but nonetheless welcome a union (43.9%) are fewer compared to those who do but do not welcome a union (80%), and those who do but prefer an association (Figure 20, Appendix). These findings again imply the importance of union visibility in unorganised sectors if workers are to welcome a union in their enterprise or sector.

A worker's inclination to welcome a union is also strongly related to her view of the existence of opportunity for collective representation. Respondents who see an opportunity for collective action and welcome a union (71%) greatly outnumber those who do not but nonetheless welcome a union (18.7%). Conversely, those who do not see any opportunity and do not welcome a union (50%) are more numerous than those who see an opportunity but likewise do not welcome a union. Among those who prefer an association, those who see opportunity for collective representation (81.8%) outnumber overwhelmingly those who do not (9.1%) (Figure 21, Appendix). These findings indicate the importance of identifying opportunities for collective representation in an enterprise or sector. The previous findings already indicate some of these opportunities: job security issues, employment contract, safety at work, and night work.

3. Expectations from unionisation by the unorganised

Overall, the reasons provided by respondents who say they welcome a union in their enterprise or sector reflect their motivations to organise. These are (Table 48, Appendix):

- Improvement in job security
- Union education on workers' rights
- Improvement in working conditions
- Pay increase
- Voice to air grievances and participation in running work life
- Check on management arbitrariness and use of management prerogative

Nearly all (94%) of the self-employed tuk-tuk respondents say they welcome a union in their enterprise. The most common reasons they cite are: (1) a union can improve job security; and (2) union provides education on workers' rights.

4. Preference for an association or a cooperative

Respondents who prefer an association or a cooperative as their form of organisation cite the following reasons: (1) associations and cooperatives are less prone to corruption and bribery; (2) there is less politics in associations and cooperatives; and (3) being a member of an association or cooperative is less a threat to job security (Table 49, Appendix). These reasons should be taken up seriously by unions bent on embarking on organising drives. Key informants interviewed by the research team also cite these reasons as among the major problems confronted by unions.

Overall, the findings of the survey covering respondents from the non-unionised and/or nearly non-unionised sectors provide critical factors and indicators which indicate a strong inclination among workers to get organised and support organising and/or unionisation in these sectors. These critical factors and indicators are critical inputs in building an organising strategy for the unorganised and nearly unorganised sectors.

First, majority of the workers surveyed see opportunity for collective representation in their enterprise or sector, suggesting readiness on their part to become organised. A worker's knowledge of the existence of a union in her sector strongly relates to her perception of the existence of opportunity for collective representation. This means that union visibility is a strong determinant of workers' propensity to organise.

Second, the survey reveals several critical factors or themes that needed to be addressed to get workers motivated to become organised and/or join a union. These are:

- Increase in income
- Job security
- Improvement in working conditions and benefits

- Safety and health at the workplace
- Opportunities for skills training and upgrading
- Voice to air grievances
- Access to affordable credit (particularly for the self-employed)

Third, the inclination of a worker to welcome a union in her enterprise or sector is strongly related to various factors, particularly: promise of job security; having an employment contract; safety at work; night work (unions appeal to night shift workers, and night work is an effective organising theme or issue for unions and other workers' organisations); existence of an organisation that represents workers' interests; and workers' perception of existence of opportunity for collective representation.

Finally, why would workers welcome a union in their enterprise? The most common reasons cited by the respondents certainly reflect not only what workers expect of unions but a positive image of unions as well.

- Improvement in job security
- Union provides education on workers' rights
- Improvement in working conditions
- Pay increase
- Voice to air grievances and participation in running work life
- Check on management arbitrariness and use of management prerogative

Clearly, these reasons reflect the appeal of unions to non-unionised workers. These issues can then be used as themes in organising campaigns for non-unionised workers.

5 Major Findings and Conclusion

Unions are the largest civil society membership-based organisations in Cambodia today. However, the Cambodian trade union movement is still in its infancy. With an average membership age of 18-30 years, a local leadership age of 25-30 years, and national leadership age of 32-38 years, the labour movement in Cambodia can be considered a youth labour movement. Indeed, it is still in its early years of development. It has yet to experience the precipitous decline felt by older and more mature trade union movements in many parts of the world today. But this does not mean that unions in Cambodia should put union revitalisation on the back burner. On the contrary, union revitalisation needs to be articulated in the labour development agenda and strategy of trade unions in the country. Such articulation needs to be predicated first on transforming the outmoded thinking and practices of state-controlled unionism into an independent, democratic, rank-and-file oriented and community-oriented unionism.

Major findings and insights

Multiple challenges confront trade unions in Cambodia today. Employment instability in a shrinking labour market, job insecurity and the rise of non-standard forms of employment, poor labour law enforcement and

corruption, an underdeveloped industrial relations system, intense union avoidance by employers, and political influence of political parties are just some of the major external challenges that unions face. Unions have to grapple too with a number of challenges internal to their organisations. These challenges include small membership, membership apathy and limited financial resources; limited democracy, lack of independence and solidarity; limited membership services, especially weak collective bargaining and collective campaigning actions; questions on leadership integrity, limited skills on leadership, organising and organisational development; limited labour support research, intellectual capacity and information sharing and dissemination; multiplicity of unions, proliferation and division among unions; and over-reliance on external organisations for finance.

Some of these challenges require radical changes in the economy and the political environment. Certainly, a relatively young trade union movement in the context of a fledgling industrial relations system is not expected to address all these challenges, at least in the medium term. Nonetheless, these challenges require a collective, comprehensive and well-thought union building strategy that begins with a serious rethinking of trade union purpose and strategy.

The previous chapter points to two dimensions critical to any union building initiative – strategic leverage and organisational capacity. Some of the important elements of these two dimensions (Table 39) are increasingly becoming apparent in Cambodia. The major findings of this study underscore some of these elements.

- The dramatic transition from a centralised or planned economy of the communist era to a market economy in the early 1990s hooked up the mainly agrarian Cambodian economy to international trade, particularly with the US. This shift was accompanied by massive changes in the labour market and industrial relations. Thus, Cambodia's industrial relations have evolved rapidly over the past 15 years, particularly in the past five years. With the adoption of the Labour Law in 1997, unions have begun to multiply.

- Cambodia's workforce is relatively young as the country embraced the market economy just in the 1990s. Our findings show that:
    - The average age of a worker is 33 years old
    - They hold to their current jobs for 8.5 years on the average
    - There is a relatively low level of education as nearly eight in 10 worker-respondents completed only secondary education at most
    - Women workers outnumber men (because women predominate the garments industry)

- There is a host of factors that have influenced the growth, expansion and the present (and arguably the future) state of trade unions in Cambodia. These are the following: (1) the enactment of the 1993 Constitution and the 1997 Labour Law; (2) the institutionalisation of industrial relations; (3) the US-Cambodia Bilateral Trade Agreement of 1999 and Better Factories Cambodia; (4) the entry of labour support organisations, both local and international; and (5) the formal and informal ties of political parties in the labour movement.

- Today, there are well defined and good legislations to support trade union work including organising, negotiation, and other union activities both at the shop floor and national levels. The ILO conventions, international treaties that Cambodia has recognised, the Constitution and the Labour Law, and other regulations give unions the basic grounds to act meaningfully for their members and the public at large. However, unions need to take advantage of these useful legislations to their interest. For one, there are violations of the Labour Law which unions need to address. Despite ample opportunities for unions to act in the interest of their members and the people, these have not been taken for some reason. The right to collective bargaining, for instance, is well defined but only few CBAs are concluded. Also, unions have limited engagement in terms of national policies or decisions. Even NGOs lacking members can engage government on policy issues more effectively.

- The Cambodian trade union movement today is a mix of multiple unions: those with varying degrees of ties with political parties; those that seek to establish themselves as independent organisations; and those set up without clear cause and objectives. The trade union situation is also marked by continued alignments and realignments as new centres are being formed frequently, by those breaking away from existing ones.

- Overall, the following features characterise the state of the trade union movement in Cambodia: (1) entrenchment of union leadership; (2) a relatively young union movement concentrated in the garments industry; (3) intense union avoidance by employers; (4) union multiplicity; (5) and a public that is generally unsympathetic of unions.

  Nonetheless, among union members, survey findings indicate a relatively positive perception. The most frequently cited reasons for joining a union are: (a) the benefits derived from union membership; (b) improvement in working conditions; (c) enhanced job security; and (d) belief in the principles and objectives of unionism. Insofar as the union members are concerned, unions connote a positive image. Union members claim they get a mix of economic and non-economic advantages from being a union member. The most commonly cited advantages are: (a) improved working conditions; (b) more benefits; (c) union education and training activities; (d) less intimidation and harassment from employer; and (e) grievances addressed at the workplace. As the findings suggest, many unions have arguably gone beyond the economic in pursuit of its goals at the workplace.

- Unions are on the rise, from 20 in 1997 to over 1,000 local unions, 27 federations, seven confederations, and one alliance of confederation by the end of 2009. Most organised workers are found in the garments sector where unionisation is about 60%. The garments industry has a workforce of over 350,000, of which 90% are female workers. It can be said that organising is limited in the other sectors such as building and construction, hotel and restaurants, and civil service. Key sectors like banking, telecommunications and private health care have no

unions. There are claims that union membership stands at 130,000 or even as huge as 500,000 but there is also a claim that the actual figure is just close to 50,000. Nevertheless, union membership continues to grow and it is estimated that nearly one percent of Cambodia's labour force is organised, or roughly 13 percent of its total industrial work force. The survey found that only one in five rank-and-file workers is a union member.

- As regards union coverage, goals and functions, survey findings indicate an enterprise-centric focus of unionism in Cambodia. This limited focus may in the medium and long-term narrow the potential for union expansion.

- As union membership is largely female, the labour movement can be said to be essentially a women's movement under male leadership. Survey findings reveal that although about 55% of union members in the enterprises covered were women, men still dominate union leadership. Survey results indicate that on the average, only one in three union officers are women. This trend is apparent when one looks at the composition of the bargaining team: women comprised only 30.5%. Nonetheless, it is interesting to note that majority (73.5%) of respondents claim women are involved in organising campaigns.

  Since limited participation of women in union activities and leadership is the top internal problem of unions according to respondents, it would augur well for unions to adopt policies and strategies that would enhance women's participation in leadership. An affirmative union policy allocating a high proportion of leadership positions to women may encourage more participation of women in union activities. Many organising and membership participation strategies can be assigned to women.

- The number of women union members in the workforce has a strong potential of fuelling the women's rights movement in Cambodia, as women become more empowered by their experience of urbanisation, earning money in the formal economy, and participating in the democratic union experience.

- Survey results however affirm the difficulty of integrating gender/ women-related issues in collective bargaining. The fact that women's involvement in union leadership and bargaining team still pales in comparison with men makes this challenge even more overwhelming. Just about half of respondents note the existence of a Women's Committee in their union. Gender sensitivity training and reproductive health programs are not enough, though they may contribute indirectly to increasing women's leadership and active participation in unionism. The very lack of adequate women-related structures and processes in unions inhibits the embedding or integration of women in leadership and gender issues in bargaining.

- Efforts by unions to enhance organisational capacity are highlighted in the survey. Findings reveal the use of a combination of the following strategies in workplaces that are already organised:
    - Home visits to target members
    - Meeting away from the workplace to promote membership
    - Holding small group meetings during organising campaign
    - Launching media campaigns
    - Having a rank-and-file committee involved in organising
    - Use of consultant
    - Enlisting the help of rank-and-file volunteers from already organised units during organising ('organising local' concept)
    - Holding solidarity days, rallies, and job actions

- Similarly, a variety of strategies are utilised by unions in recruiting members. Organising a rank-and-file committee appears to be the most common strategy. Strategies that are often used by majority of the respondents include: (a) use of consultant; (b) conducting survey among members on collective bargaining proposals; (c) holding small group meetings during organising campaign; (d) meeting away from the workplace to promote membership; (e) enlisting the help of rank-and-file volunteers from already organised units during organising ('organising local' concept); (f) launching media campaigns; and (g) holding solidarity days, rallies, and job actions.

Overall, the utilisation of these strategies suggests a promising tendency towards a more grassroots rank-and-file oriented union organising approach. The use of this array of strategies suggests a level of vibrancy and innovativeness in union organising in Cambodia, at least in the sectors covered. What is then needed is to replicate this trend in the non-unionised sectors.

- Arguably, the intensive utilisation of rank-and-file structures, processes and tactics to enhance membership involvement and activism is a good strategy to prevent membership inertia as well as to embed democratic processes in the union. An active membership that is involved in major union functions and activities inhibits the entrenchment of union leadership. The survey found a variety of strategies utilised by unions to enhance commitment among members. Of these, the most common are: (a) publication of grievances victories and losses; (b) sending rank-and-file members to seminars and training provided by other labour-oriented institutions; (c) using local union members as organisers in other unorganised workplaces; and (d) organising a rank-and-file organising committee to recruit members.

- As for organising non-unionised or nearly non-unionised sectors, the survey suggests a strong inclination among workers in these sectors to become organised and support organising and/or unionisation. The survey indicates that a worker's knowledge of the existence of a union in his or her sector strongly relates to her perception of the existence of opportunity for collective representation. This means that union visibility is a strong determinant of workers' propensity to organise.

- Moreover, the survey identified critical factors or themes that need to be addressed to motivate workers to become organised and/or join a union. These are:
    - Increase in income
    - Job security
    - Improvement in working conditions and benefits
    - Safety and health at the workplace
    - Opportunities for skills training and upgrading
    - Voice to air grievances

- Access to affordable credit (particularly for the self-employed)

These factors and themes are certainly the issues that unions need to incorporate into their union programs, organising agenda and strategies. Though some of them may be difficult to address in the short or even medium term, some like safety and health, opportunities for training, and voice for airing grievances are doable in the short term. What unions can do is adopt a more strategic agenda in their organising drives.

Conclusion

Unions are the largest civil society membership-based organisations in Cambodia. With a relatively young membership base and leadership, the labour movement in Cambodia may be considered a youth movement. Since union membership is largely female, the labour movement in essence can be said to be a women's movement under male leadership. Having these potentials, unions clearly have significant impact in the development of civil society and democracy in Cambodia. Organising unions at the local and national levels provides leaders with opportunity to learn and experience on a day-to-day basis how to lead workers, speak in front of members, make organisational plans, develop and understand budgets, negotiate with management, handle disputes, and learn technical skills. These leaders can develop their capacity to be leaders in Cambodian society at large. The right of unions to conduct strikes and mobilise can widen further the democratic space in Cambodia by promoting freedom of association and freedom of expression. The union's ability to mobilise large membership has provided a "multiplier effect" to boost civil society organisations' demands for human rights, government accountability, and democracy. Finally, the number of women union members in the workforce can fuel the women's rights movement in Cambodia, as women are being empowered by their experience of independent and democratic processes in unions.

However, there is certainly much to be done in building unions in Cambodia, particularly in enhancing unions' strategic leverage and organisational capacity. This book has elaborated several factors and

challenges accounting for low unionisation and the problems faced by unions in Cambodia. At the same time, this book underscored several factors and themes that are critical inputs in building a more effective and comprehensive organising strategy for both the organised and the unorganised sectors.

It should be emphasised that there is no single effective strategy on union building. A strategy for union building is a product of constant experimentation and learning. Unions should never stop rethinking and innovating their strategies and tactics. It is also important to keep the elements (in Table 39) of strategic leverage and organisational capacity moving from one element to another in mutually reinforcing ways. Each one of these elements is internally dynamic, co-dependent and co-evolving in relation to each other.

Strategies can either be collaborative or confrontational or both depending on specific circumstances. Nonetheless, in terms of union action and engagement, access to instruments of action either through state legislation or policies or through resource and network mobilisation (with labour support organisations, NGOs, and social movements) and willingness to act on the part of grassroots unions are crucial. Coordination of agenda and areas of action among unions and between national trade unions and international union federations and organisations are likewise of vital importance. Each has a role to play in the process of union building and revitalisation.

Unions can no longer remain in splendid isolation. To the extent that unions are also organisers of social movements, union building and revitalisation finds expression in promoting community unionism where union organising takes place across territorial and industrial communities much larger than a single workplace, and workers' multiple identities and broader interests are relevant to organising (Fire, 1999). For Wahl (2004), a progressive trade union strategy also entails challenging the dominant thinking of the trade union bureaucracy. New and difficult discussions and analyses within the movement have to be made, especially to address union multiplicity, union division along political lines, union democracy and membership involvement and activism. This book has made the first

step by providing a deeper understanding of the development of unions in Cambodia and the challenges they face, as well as offering a framework for union building in Cambodia.

Endnotes

[1] Labour Code, Article 266.
[2] Labor Code, Article 268.
[3] MoLVT (2010) Report on 2009 Achievement of Ministry of labour and Vocational Training and Objectives to be Continued in 2010.
[4] Labor Code, Article 293 and Prakas 305/01.
[5] Labor Code, Article 330.
[6] Cambodia: Annual Survey of Violations of Trade Union Rights, 2006 and 2007.
[7] Prakas 305-22/11/2001.
[8] Notification 16-26/11/2002.
[9] Notification 033-22/04/2008.
[10] Labour Code Article 139 states that if workers are required to work overtime for exceptional and urgent jobs, the overtime hours shall be paid at a rate of fifty percent higher than normal hours. If the overtime hours are worked at night or during weekly time off, the rate of increase shall be one hundred percent. Article 140 of Labour Code limits hours of work to not more than ten hours per day.
[11] MoLVT (2010) Report on 2009 Achievement of Ministry of Labour and Vocational Training and Objectives to be Continued in 2010.
[12] ILO (2006), Women and Work in the Garment Industry in Cambodia
[13] The 17th Synthesis Report was produced in October 2006, while the 24th was published in April 2010.
[14] MoLVT (2010) Report on 2009 Achievement of Ministry of Labour and Vocational Training and Objectives to be Continued in 2010.
[15] Labor Advisory Committee was established through Anukret 62/00.
[16] Report on collective bargaining agreement in Cambodia by Community Legal Education Center 2006.
[17] The total number of industrial disputes was solely calculated based on the confirmed cases listed in its website (http://www.arbitrationcouncil.org/) and Compilations of Arbitral Awards and Orders of the Arbitration Council. These cases were settled and handled by the Arbitration Council. The calculation was for the cases that took place from 2003 to 2008.
[18] Prakas No. 99/04, Article 42. (See for example Day Young Case#37/04).
[19] Prakas No.99/04, Article 35.
[20] Parkas No.99/04, Article 46.
[21] Labour Law, Art.313; Prakas No.99/04, Art. 40.
[22] Prakas No. 99/04, Article 40.
[23] Labour Law, Article 313 and 314; Prakas No.99/04, Articles 40 and 41.
[24] MoLVT (2010): Report on 2009 Achievement of Ministry of labour and Vocational Training and Objectives to be Continued in 2010.
[25] www.camfeba.com; www.gmac-cambodia.org.
[26] Business As Usual research article, 2008
[27] information provided by Ros Harvey, Global Program Manager, Better Work, ILO
[28] ITGLWF website
[29] Wage claim submitted in 2006 by Inter-Federation Council

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Appendix A. Table of Survey Results

Table 7. Number of unions in the workplace

No. of unions	Frequency	Percent
1	75	76.53
2	13	13.27
3	5	5.10
4	2	2.04
5	1	1.02
7	1	1.02
9	1	1.02
Total	98	100.00

Table 8. Is having more than one union in the enterprise advantageous to workers?

	Frequency	Percent
Yes	12	11.43
No	74	70.48
Don't' Know	19	18.10
Total	105	100.00

Table 9. Reasons why union multiplicity is disadvantageous

Reasons	Frequency
It fragments or divides workers at the workplace	51
Provides opportunity to employer /management to divide the workers and further violate workers' rights	44
Makes difficult to determine most representative status (MRS)	40
Makes difficult the process of collective bargaining	46
Unions tend to spend more time and resources in competition with each other instead of focusing on the interests and needs of workers	15

Table 10. Have a union in the workplace?

	Frequency	Percent
Yes	117	89.31
No	13	9.92
Don't know	1	0.76
Total	131	100.00

Table 11. Member of a union in the workplace?

	Frequency	Percent
Yes	84	71.79
No	33	28.21
Total	117	100.00

Table 12. Highest educational level

Educational level	Frequency	Percent
Not completed Primary	15	11.36
Completed Primary	23	17.42
Not completed Secondary	14	10.61
Completed Secondary	51	38.64
Completed Tertiary	6	4.55
Not Completed Tertiary	19	14.39
Others, please specify	4	3.03
Total	132	100.00

Table 13. Union affiliation

Affiliation	Frequency	Percent
Affiliated with a federation	48	57.14
Don't know	36	42.86
Total	84	100.00

Table 14. Members of union

Members	Frequency	Percent
All rank and file workers	17	20.24
Rank and file workers but not all	45	53.57
Don't know	20	23.81
Others	2	2.38
Total	84	100.00

Table 15. Who organised the union?

Organised by	Frequency	Percent
The management	2	2.38
Workers in the company	34	40.48
Both management and workers in the company	6	7.14
Don't know	12	14.29
Others (Federation, Union Federation and All worker)	30	35.71
Total	84	100.00

Table 16. Union responsibility coverage

Coverage	Frequency	Percent
Union members only	15	17.86
Union members and non-members in the enterprise	50	59.52
All union members in the country	2	2.38
All workers whether union members or not in the country	4	4.76
Don't know	11	13.10
Others	2	2.38
Total	84	100.00

Table 17. Reasons for joining a union (multiple response)

Reasons	Frequency
My company is union shop	1
I get benefits from being a union member	67
I believe in the union's principles and objectives	38
My job is more secure as a union member	42
My working conditions have improved as a union member	45
My co-workers who are union members encouraged me to join the union	5
Don't know	0
Others	10

Table 18. Benefits of union membership (multiple response)

Benefits	Frequency
Job security	26
Improved working conditions	63
More benefits	54
Higher pay	39
Less intimidation and harassment from employer	44
Able to air grievances at the workplace	33
Able to address grievances at the workplace	43
Participation in union education and training activities	46
Legal assistance on labour-related problems	36
Sense of solidarity	38

Table 19. Focus of union goals (multiple response)

Goals	Frequency
Job regulation: security and freedom on the job; participation in administration of industry	29
Promoting members' moral well-being (social justice, peace, brotherhood); promoting their material well-being; workers' participation, cooperative enterprises; profit-sharing, joint ownership	42
Promoting production; protecting workers' interests (chiefly or wholly by raising their productivity)	26
Expanding the democratic and political rights of workers; espouse workers' participation; focus on the democratic goals, rather than the economic concerns of unions	8
Encouraging workers to eradicate/make down the capitalism and management style leading by workers after industry revolution	0
Don't know	12
Others (assisted workers, worker rights advocacy)	20

Table 20. Focus of union functions (multiple response)

Functions	Frequency
Collective bargaining including strikes for better wages and working conditions	39
Education to raise workers' knowledge and revolutionary consciousness	37
Organising more members to increase strength and effectiveness	41
Help workers with disputes and in other difficulties	51
Engage in legal enactment, tripartism, participation in electoral competition, joining political parties or supporting candidates who reflect the democratic and political aspirations of workers	1
Don't know	15
Others	2

Table 21. Union effectiveness rating

Own union	7.09
All unions in Cambodia	4.73

Table. 22 Union's effectiveness today (%)

	Frequency	Percent
5 and below	8	11.94
6 to 8	50	74.63
9 to 10	9	13.43
Total	67	100.00

Table 23. Overall effectiveness of unionism in Cambodia today

	Frequency	Percent
5 and below	35	79.55
6 to 8	7	15.91
9 to 10	2	4.55
Total	44	100.00

Table 24. Women in union leadership (%)

% in union leadership	33.1
% in bargaining team	30.5

Table 25. Union policy allocating a certain proportion of the bargaining team to women

	Frequency	Percent
Yes	40	45.45
No	4	4.55
Don't know	44	50
Total	88	100.00

Table 26. Union policy allocating a certain proportion of union leadership to women

	Frequency	Percent
Yes	13	22.03
No	7	11.86
Don't know	39	66.10
Total	59	100.00

Table 27. Women involved in organising campaigns/drives

	Frequency	Percent
Yes	72	73.47
No	6	6.12
Don't know	20	20.41
Total	98	100.00

Table 28. Gender-related union structures and programs (multiple response)

Structures and programs	Frequency
Women's Committee	41
Women's Desk	1
Gender sensitivity training	62
Union policy requirement allocating a certain proportion for women participation in union education and training	25
Reproductive health program	60
Day care services and facilities	3
Don't know	20
Others	1

Table 29. Gender-related policies and programs in CBA (multiple response)

Policies and programs	Frequency
Maternity leave beyond what is provided by law	19
Menstrual leave	6
Reproductive health	16
Protection against sexual harassment	18
Equality of opportunities for training and education	18
Pay equality (reducing or eliminating gender pay gap)	18
Special leaves for women	15
Day care services and facilities	0
Breastfeeding facilities	2
Don't know	5
Others	1

Table 31. Employment status at present job

Employment status	Frequency	Percent
Contractual fixed term	28	22.05
Contractual renewable	23	18.11
Regular	13	10.24
Undocumented regular (without contract)	18	14.17
Others(no job contract)	45	35.43
Total	127	100.00

Table 32. Anti-union discriminatory and harassment practices by employers (multiple response)

Practices	Frequency
Dismissing or laying off elected leaders	16
Promoting union leaders/members to work in administration/ management	3
Attacking or threatening union leaders	8
Buying or bribing union leaders	19
Non-recognition of elected union leaders	5
Asking for change in composition of elected union members	6
Suing union leaders	15
Employers do not transfer union dues to unions	14
Outright dismissal of shop stewards by employers	13
Employers install shop stewards that they favor	8
Employers support other union that is under their control	6
Employer sending anti-union letters to employees	0
Employer holding social events with anti-union message	1
Employer making changes in management structure and personnel (e.g. reclassified rank-and-file positions to supervisorial)	3
Employer holding anti-union media campaigns	2
Employer setting up and assisted the rank-and-file anti-union committee	2
None	16
Don't know	14
Others	12

Table 33. Victims compensated in proven cases of anti-union discrimination in the company

	Frequency	Percent
Yes	24	30
No	32	40
Don't know	24	30
Total	80	100

Table 34. Victims reinstated in proven cases of unjust dismissal in your company

	Frequency	Percent
Yes	24	31.6
No	33	43.4
Don't know	19	25.0
Total	76	100.0

Table 35. Have strikes in the company

	Frequency	Percent
Yes	47	43.9
No	46	43.0
Don't know	14	13.1
Total	107	100.0

Table 36. Strikers punished or retaliated upon

	Frequency	Percent
Yes	20	29.4
No	38	55.9
Don't know	10	14.7
Total	68	100.0

Table 37. Internal union problems (multiple response)

Problems	Frequency
Limited capacities on organising strategies to negotiate and protect and promote workers rights and interests	18
Limited capacities on negotiation	30
Limited capacities on grievance handling and dispute settlement	16
Limited capacities on organisational development tools and techniques (strategic planning, financial management, leadership and membership development, etc.)	7
Limited funds, low collection rate of union dues	24
Lack of effective organisers and competent staff	8
Entrenchment/resignation of union leadership	1
Self-serving and corrupted union leaders	4
Limited participation of members/membership apathy	5
Limited or lack of venues or structures for membership participation in union decision-making	8
Limited education and training opportunities for union members	35
Limited partcipation of women in union activities and leadership	36
Lack of interest/trust/competence of members	3
Competition between local unions to get most representative status (MRS)	6
Existence of more than one union in the enterprise (multiplicity of unions)	4

N=84

Table 38. Union's external problems (multiple response)

Problems	Frequency
Employers union avoidance tactics	17
Poor enforcement of labor laws and compliance of employers to labor standards	46
Meddling and intervention of political parties	2
Apathy from non-union members	22
Government's general anti-union stance	1
Government's pro-business policies, e.g. privatisation, casualisation, union-free export zones, etc.	1
Bad public image and limited publicrecognition/acceptance of unions	6

Table 40. Alliances forged by unions

	Yes (%)	No (%)	Don't know (%)
Other local trade unions	36.7	3.3	60.0
Federations	69.4	10.2	20.4
Women's groups	22.2	33.3	44.4
NGOs	37.0	11.1	51.9
Political Organisations	29.6	18.5	51.9
Human Rights groups	20.7	27.6	51.7
Academe	0.0	34.9	65.2
International union organisations	48.5	9.1	42.4
International labor support organisations	48.1	3.7	48.1

Table 41. Primary focus of union strategies to increase union membership and strengthen unions

Primary focus	Frequency	Percent
Focus solely on providing services to members (Mutual aid, member services and welfare: service model	26	35.6
Focus on increased organising and enhancing membership participation (rank-and-file intensive participation and activism: organising approach)	4	5.5
Both	31	42.5
Don't know	12	16.4
Total	73	100.0

Table 42. Union recruitment strategies (multiple response)

Strategies	Frequency
Having a rank-and-file committee involved in organising	29
Home visits of target members	32
Holding small group meetings during organising campaign	31
Enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept)	25
Holding solidarity days, rallies, and job actions	24
Launching media campaigns	30
Utilising community-labor coalitions	1
Conducting survey among members on collective bargaining proposals	19
Distributing leaflets to potential members	9
Meeting away from the workplace to promote membership	32
Use of consultant	27
Setting up of an organising committee or team among targeted members (principle of `like-recruits-like')	12
Identification of grievances as bases for recruitment of union members	10
Linked/affiliated with international labor organisations for support	14
Others	8

N=84

Table 43. Union membership recruitment strategies

Strategies	Always (%)	Often (%)	Seldom (%)	Rarely (%)
Having a rank-and-file committee	69.23	23.10	7.70	
Home visits of target members	23.53		76.47	
Holding small group meetings during organising campaign	4.44	88.89	6.67	
Enlisting the help of rank-and-file volunteers from already organised units during organising (`organising local' concept)	8.89	86.67	2.22	2.22
Holding solidarity days, rallies, and job actions	5.56	77.78	16.67	
Launching media campaigns	2.33	86.05	9.30	2.32
Utilising community-labor coalitions		31.82	59.10	9.10
Conducting survey among members on collective bargaining proposals	2.30	95.45	2.27	
Distributing leaflets to members	7.70	5.13	74.36	12.82
Meeting away from the workplace to promote membership	2.44	87.80	9.76	
Use of consultant	2.78	97.22		
Setting up of an organising committee or team amongst targeted members (principle of `like-recruits-like)	7.14	11.90	78.57	2.38
Identification of grievances as bases for recruitment of union members		30	60	10
Linked/affiliated with international labor organisations for support		31.00	69.05	

Table 44. Mechanisms for enhancing membership commitment and strengthening union (multiple response)

Mechanisms	Frequency
Using local union members as organisers in other unorganised workplaces	26
Shop stewards elected	16
Stewards trained to organise around grievances	12
Organised rank-and-file organising committee that conducts much of recruiting activities among non-members	25
Grievances handled by stewards	2
Members play an active role in preparing their grievances	15
Filing of grievances regularly	11
Grievances victories and losses publicised	33
Organisers spend their time in the field visiting new employees personally, and unorganised units targeted systematically	15
Assigning grievance chairperson per chapter or section to handle all hearings; organisers handle only arbitrations	5
Increasing budget for organising by increasing dues to support organising	15
Sending rank-and-file members to seminars and training provided by other labor-oriented institutions	33
None	1
Don't know	13
Others	3

N=84

Table 45. Rank-and-file intensive tactics used by unions to enhance membership involvement and activism

Tactics	Always (%)	Often (%)	Seldom (%)	Rarely (%)	Not at all (%)
Local union staff members as organisers	30.00	30.00	40.00		
Stewards elected	65.79	2.63	10.53	21.05	
Stewards trained to organise around grievances	71.43	11.43	14.29	2.86	
Rank-and-file organising committee that conducts much of recruiting activities among non-members	7.14	57.14	35.71		
Grievances handled by stewards		5.26	68.42	26.32	
Members play an active role in preparing their grievances		32.43	5.41		62.16
Filing of 2 or more grievances per month		6.67	20.00	73.33	
Grievances victories and losses publicised	2.38	95.24	2.38		
Organisers spend their time in the field visiting new employees personally, and unorganised units targeted systematically	73.81	14.29	11.90		
Assigning grievance chairperson per chapter to handle all hearings; organisers handle only arbitrations		7.69	7.69	84.62	
Increasing budget for organising by increasing dues to support organising		21.05	5.26	10.53	63.16
Sending rank-&-file members to seminars & training by other labor-oriented institutions	57.78	33.33	8.89		

Table 46. Opportunity for collective representation in the enterprise/sector

	Frequency	Percent
Yes	117	63.6
No	38	20.7
Don't know	29	15.8
Total	184	100.0

Table 47. Motivations to get organised (multiple response)

Basis	Frequency
If my income will increase	127
If my job security is assured	92
If my working conditions and benefits will be enhanced	84
If safety and health issues are addressed at the workplace	65
If I will have opportunities for skills training and upgrading	49
If workers will be provided voice to air grievances	46
If I could get access to affordable credit	31
If workers will be provided venue to participate in deciding their work life	28
If I will enjoy social security benefits	27
Don't know	11
Other	4

Table 48. Reasons why union is welcome in the enterprise/sector (multiple response)

Reasons	Frequency
Having a union can improve my job security	105
A union provides education to enable me to know my rights	99
A union can improve my working conditions	86
A union can increase my pay	85
Through the union, workers can have a voice in the enterprise to air their grievances and participate in how their working lives are run	57
A union provides training to upgrade my skills and learn new skills	56
Having a union checks on management's arbitrariness and use management prerogative	46
Don't know	2
Others	1

Table 49. Reasons why association or cooperative is more preferred in the enterprise/sector (multiple response)

Reasons	Frequency
Associations and cooperatives are less prone to corruption and bribery	49
There is less politics in associations or cooperatives	38
Being a member of an association or cooperative is less a threat to my job security	21
Associations and cooperatives cannot be easily manipulated by employers	19
An association or cooperative may have other services that unions may not provide such as access to micro credit, skills training, etc.	17
An association or cooperative is more appropriate for self-employed/own-account workers who are not single enterprise-based	9
In an association, regular dues may not be required	5

Appendix B. Figures of Survey Results

Figure 10. Gender and union policy allocating a certain proportion of union leadership positions to women

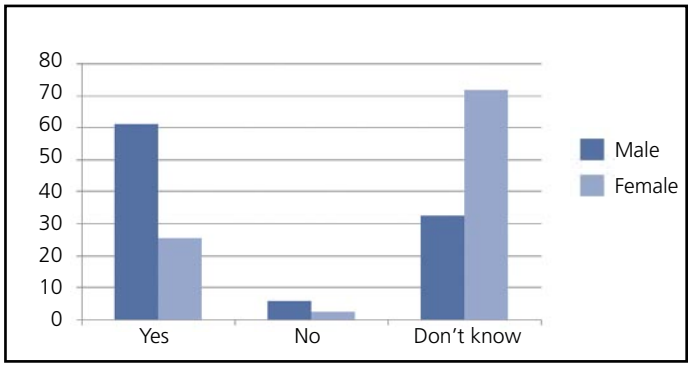

Figure 11. Employment status with present job and primary focus of union strategies to increase union membership and strengthen unions

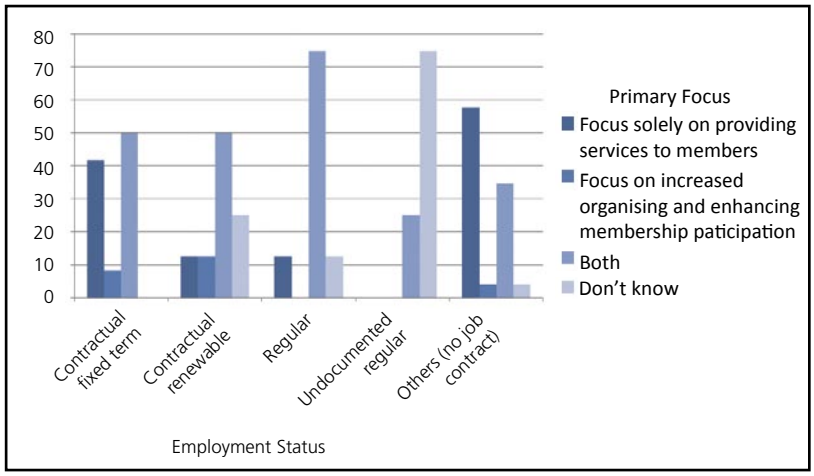

Figure 12. Number of years working in present job and primary focus of union strategies to increase union membership and strengthen unions

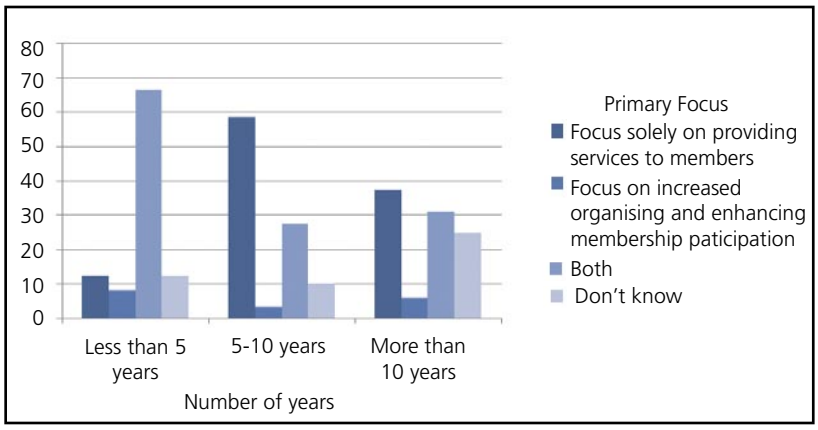

Figure 13. Number of years union operating in enterprise and primary focus of union strategies to increase union membership and strengthen unions

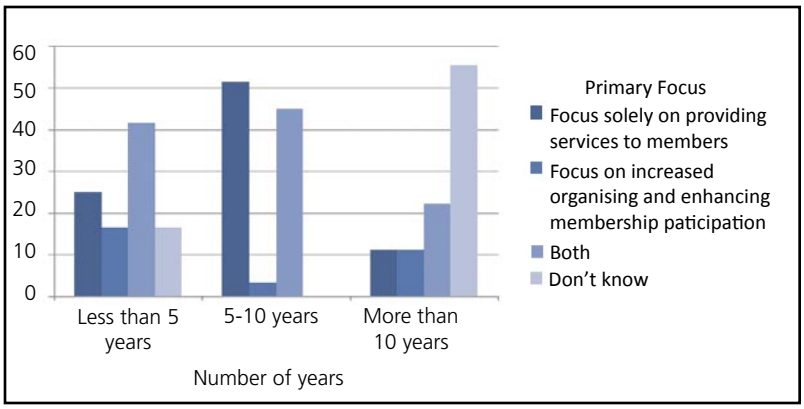

Figure 14. Heard of a union in the sector and opportunity for collective representation in the enterprise/sector

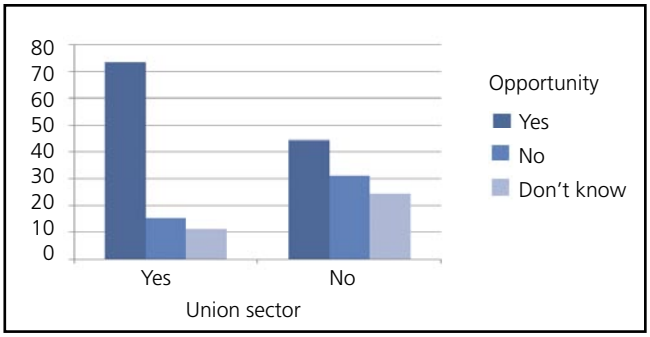

Figure 15. Employment status with present job and opportunity for collective representation in the enterprise/sector

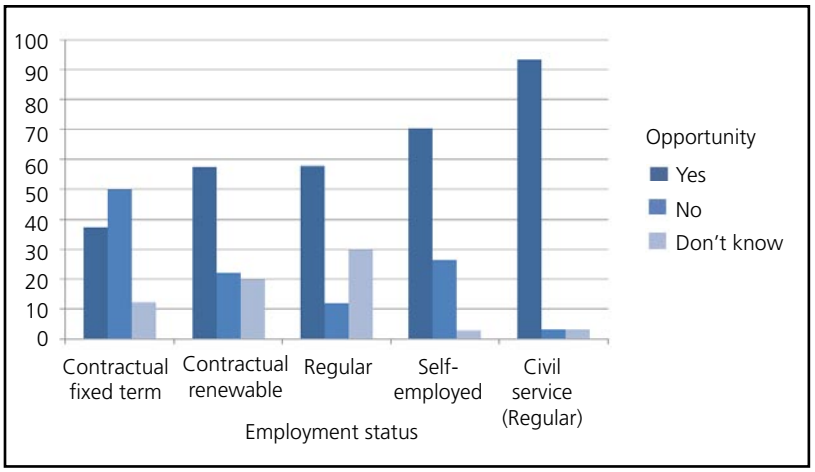

Figure 16. Employment status with present job and union acceptance in the enterprise/sector

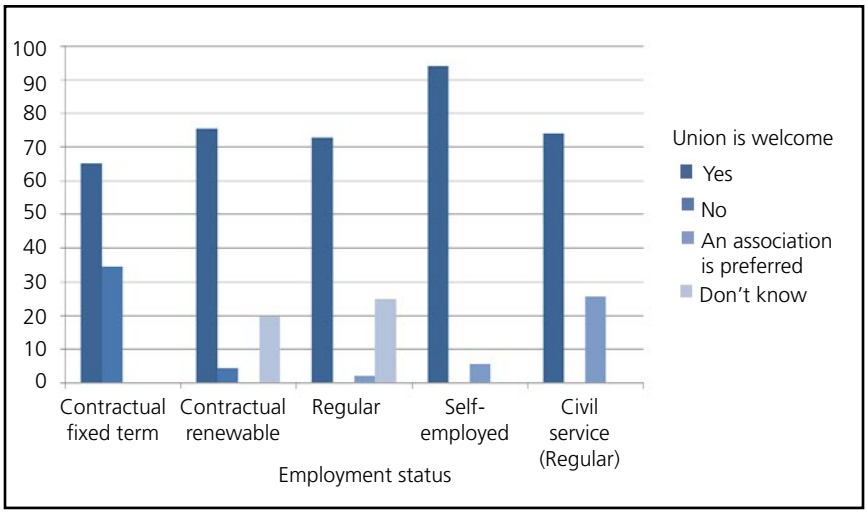

Figure 17. Union acceptance in the enterprise/sector and easy to lose the job/work

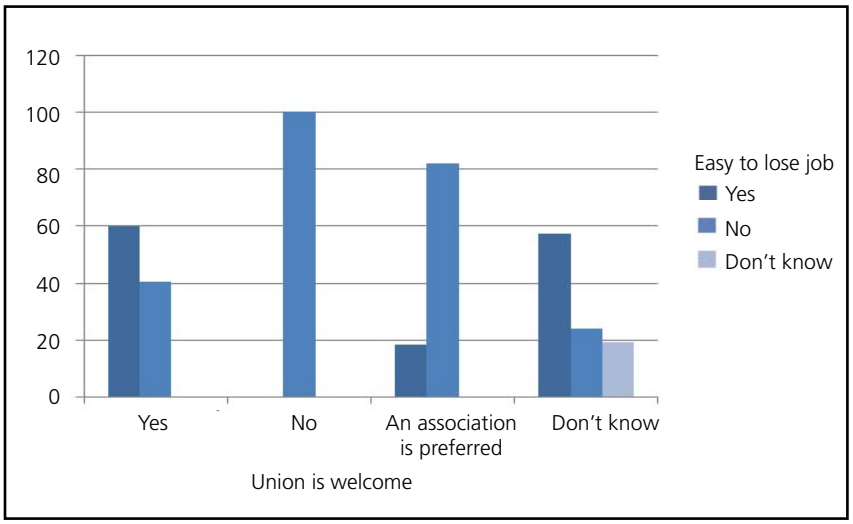

Figure 18. Union acceptance in the enterprise/sector and have a contract of employment

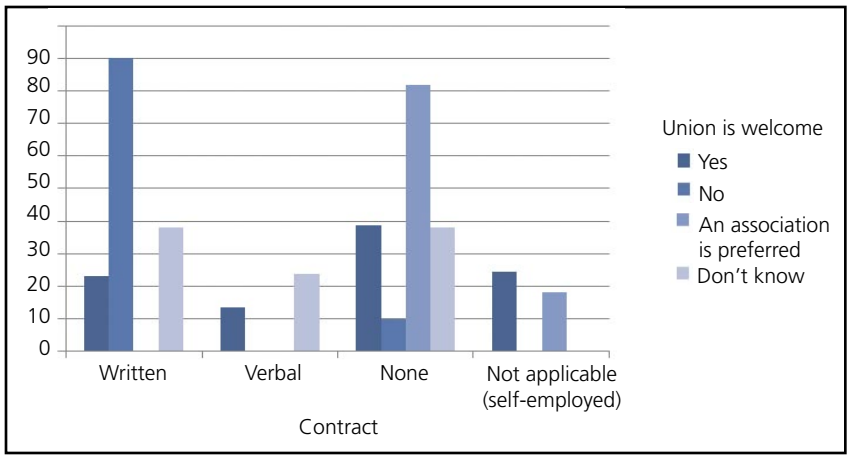

Figure 19. Union acceptance in the enterprise/sector and safety at work

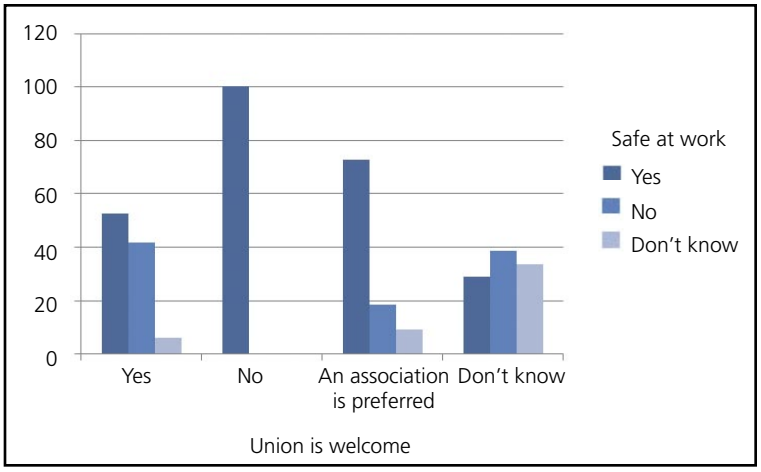

Figure 20. Union acceptance in the enterprise/sector and have organisations that represent workers' interest

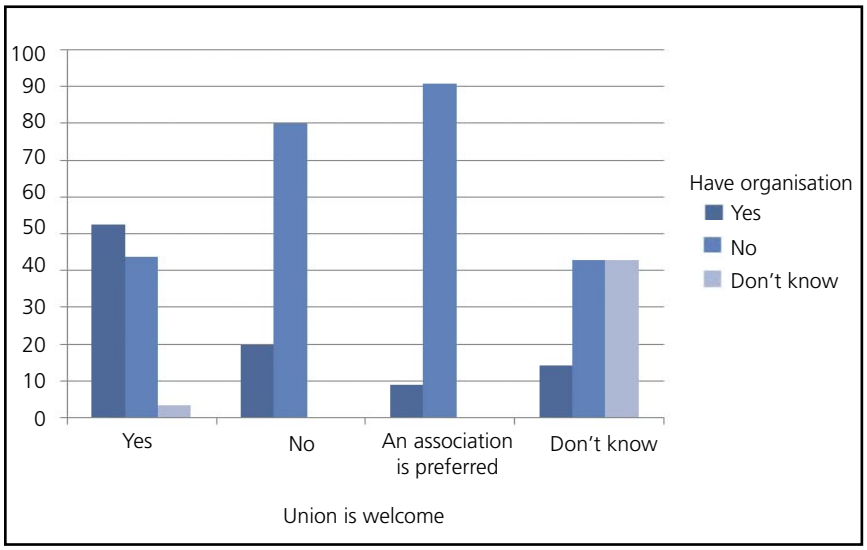

Figure 21. Union is welcome in the enterprise/sector and seeing an opportunity for collective representation in the enterprise/sector