



**BetterFactories**  
Cambodia

# Towards Gender Equality

Lessons from factory compliance assessments

2017-2018



International  
Labour  
Organization



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Better Factories Cambodia is committed to promoting gender equality. Following the publication of our Gender Strategy 2017-2018 and to gain a stronger understanding of the gender issues being revealed by Better Work's assessors, we analysed data gathered from 395 garment factory assessments between May 2016 and April 2017. Using this data, along with information garnered from Better Work Global and Tufts University's work on the Impact Assessment, and other relevant sources, we aim to make gender dynamics in the Cambodian garment industry more visible, deepen our own understanding of these issues and support our stakeholders in taking appropriate action.







# 1. Introduction

**Better Factories Cambodia's focus on gender issues, as revealed through factory assessment services, helps stakeholders to address problems and reinforces our broader programme. The work is key to our mandate of presenting a clear picture of the current practices and realities in the Cambodian garment industry. While this report does not claim its findings as industry or country specific, we expect the findings will have far reaching implications for the aims and policies of both Better Factories Cambodia and Better Work globally.**

Better Work's 2015 impact assessment (hereafter 'impact study'), led by Tufts University, revealed the importance of addressing gender equality issues – in particular quality jobs and increased skill sets for women – not only for women's empowerment but also for better business outcomes and development indicators. To better understand the impact of Better Factories Cambodia in particular, a complementary and independent impact study of the programme is currently being conducted by Tufts University and is expected to be finalised by the end of 2018. The study established a baseline in 2016 that covers 73 randomly selected Cambodian factories and included a survey of 1,500 workers and interviews with 50 managers. The baseline findings were published in a summarized format in March 2017. The relevant baseline findings are included in this report, confirming compliance findings and providing contextual information in addition to that captured by our factory compliance assessments.

Additionally, as part of our analysis, we take stock of legal provisions and practices relating to gender equality.

## 1.1 Assessment methodology

Better Work, including Better Factories Cambodia, carries out factory assessments to monitor compliance with international labour standards and national labour laws. Our factory- and industry-level reports highlight non-compliance findings. Better Work publishes these figures to help factories easily identify areas in need of improvement and ensure brands have a better understanding of issues within their supply chain. Collecting and reporting this data over time helps

factories demonstrate their commitment to improving working conditions.

### Compliance clusters

Better Work organises reporting into eight areas (or clusters) of labour standards. Four of the clusters cover fundamental rights at work, while the remaining four cover conditions at work regulated by national legislation. Each of the eight clusters is divided into its key components, known as 'compliance points'. With very limited exceptions, the compliance points are standard across all Better Work countries.

In 1998, member States, workers and employer representatives at the International Labour Organization identified fundamental principles and rights at work based on eight widely ratified International Labour Conventions – Nos. 29, 87, 98, 105, 100, 111, 138 and 182. These Conventions provide the framework for assessing non-compliance with the Child Labour, Discrimination, Forced Labour, and Freedom of Association and Collective Bargaining clusters across all Better Work country programmes.

The four remaining clusters assess conditions at work, including Compensation, Contracts and Human Resources, Occupational Safety and Health, and Working Time. The compliance points covered in these clusters are largely consistent across countries; however, each compliance point contains specific questions that may vary from country to country due to differences in national legislation. National law is used as a benchmark regardless of whether it is in line with international Conventions that have been ratified by the country. In countries where national law fails to address or lacks

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clarity around a relevant issue regarding conditions at work, Better Work establishes a benchmark based on international standards and good practices.

### Compliance Assessment Toolkit

The factory-level assessments carried out by Better Factories Cambodia follow a thorough checklist of over 250 questions covering the above-mentioned labour

standards. Information is gathered through a variety of sources and techniques, including document reviews, observations on the factory floor, and interviews with managers, workers and union representatives.

A number of the questions on the checklist have a gender-specific or gender-related focus – this report is based on the analysis of 19 gender marked questions, and four fact gathering questions. The gender-specific

### BETTER FACTORIES CAMBODIA AT A GLANCE

The Better Factories Cambodia programme (BFC) is a partnership between the International Labour Organization (ILO) and the International Finance Corporation (IFC), part of the World Bank Group. The comprehensive programme brings together stakeholders from all levels of the garment industry to improve working conditions and respect of labour rights, and boost the competitiveness of apparel industries. Factories participating in Better Work are monitored and advised through factory assessments, advisory visits and trainings.

BFC started operating in Cambodia in 2001. It was linked to an innovative trade agreement between the Royal Government of Cambodia and the United States of America. The U.S.–Cambodia Bilateral Textile Agreement, initially covering 2000 and 2001 and later extended until 2004, linked improvements in labour conditions in garment factories to increases in the quota for Cambodian garment exports to the U.S.

BFC's mandate is to assess compliance with labour standards in garment exporting factories in Cambodia. The programme began conducting independent assessments of working conditions in Cambodian apparel factories in 2001. Each assessment consists of four on-site person days and includes management, union and worker interviews, document reviews, and factory observations. The goal of these assessments is to establish a baseline of performance against which participating factories can work with Better Factories Cambodia to make ongoing improvements to their working conditions. Building on these assessments, BFC also offers technical support to factories in their improvement efforts. At the outset, the programme provided training to factories on specific workplace issues, such as Human Resource Management, Occupational Health and Safety and productivity. There was also training of workers and managers on ways to jointly improve working conditions through training on workers' rights and responsibilities, negotiation skills for managers and workers, and workplace cooperation.

Based on the results of the training activities, the programme started delivering specific advisory services to factories that want longer-term support to facilitate change. In those factories that receive advisory services, BFC helps set up bipartite committees and then supports these committees to start tackling the root causes of non-compliance. Both training and advisory are essential complementary services to BFC's assessments and have helped to drive more sustainable change at the factory level.



and related questions are spread across different compliance points and clusters (see Annex 1 for the list of ‘gender marked’ questions; see Annex 2 for an overview of all non-compliance rates for the gender marked questions). More specifically, this report presents the main assessment findings and results of

the baseline of the impact study on: 1) Sexual harassment and verbal abuse; 2) Pregnancy and maternity leave; 3) Breastfeeding and child care; and 4) Contractual discrimination.

## 2. Workforce

**The baseline of the Better Factories Cambodia impact assessment, led by Tufts University, indicated that 80-85 percent of workers employed in Cambodian factories are women and more than 72 percent of all workers are under the age of 30.**

### 2.1 Female/male worker ratio

Both globally and in Cambodia, women are over-represented in the garment sector. The industry in Cambodia used to almost exclusively offer employment to women; in 2006, women made up around 92 percent of the workforce in garment factories. However, the industry has increasingly offered more employment to men. During the reporting period 1 May 2016–30 April 2017, around 85 percent of the workers were female. The percentage of men working in the industry has almost doubled over the last decade. This change is possibly related to developments in the industry; more men tend to be employed than women for specific parts of the production process, including the fabrication of knitwear fabric and for dying and printing fabric.

#### Education and marital status

“Primary school” is consistently reported as the highest level attained by almost half of workers. A small proportion of the sample (around 6 percent) have no formal education. Male respondents report having a higher level of education than women, with more than 58 percent of men report having at least a lower secondary level of education, compared to 46 percent of women. Focusing only on university education, the share of graduated women is slightly higher than that

of men (4 percent compared to 2 percent respectively).

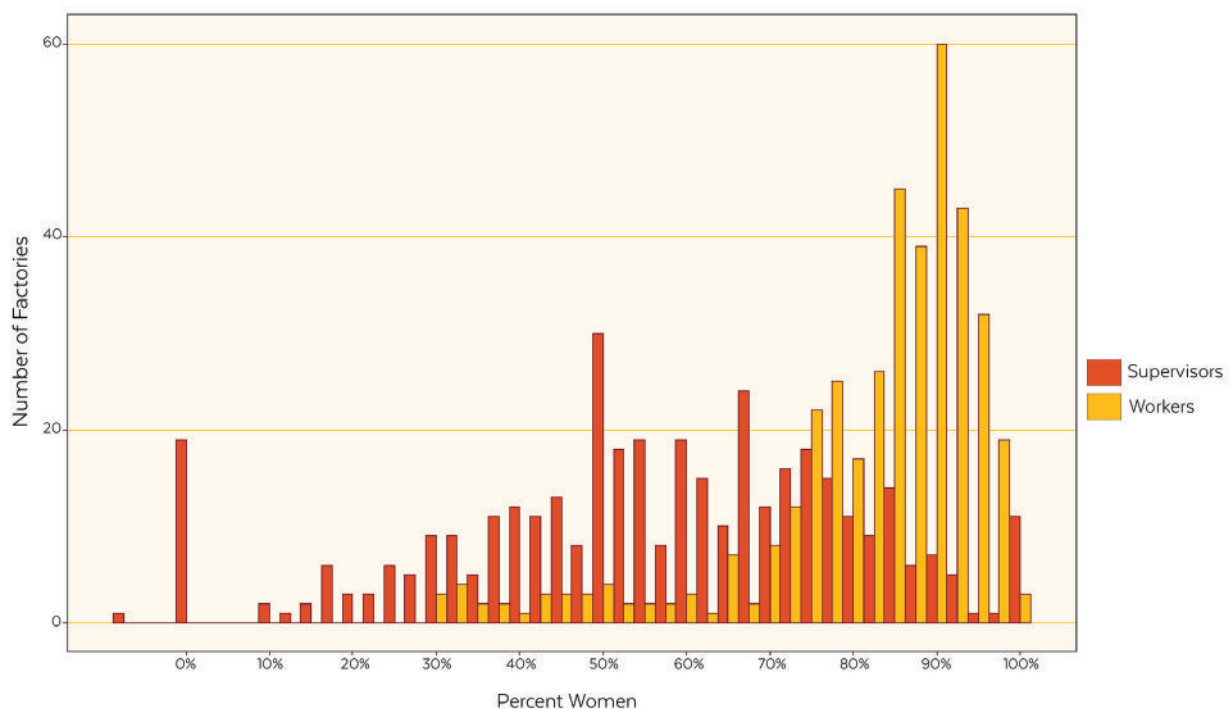
In terms of marital status, 49 percent of workers report being married while 44 percent are single. Among men, 57 percent indicate they are married compared to 47 percent of women. On the other hand, 8 percent of female workers report being divorced or separated while only 3 percent of men have the same status. Many workers are also parents. Approximately half of respondents in the impact assessment report having one or more children.

### 2.2 Female worker/female supervisor ratio

Across the world, women, regardless of age, are often overrepresented in sectors and positions where pay tends to be moderate in relation to other industries. This is also the case in Cambodia. The female/male worker ratio shows horizontal segregation, which arises when women and men do different types of jobs. The female worker/female supervisor ratio also shows vertical segregation, meaning a high concentration of women working in lower-ranked positions (e.g. sewing operator). During the reporting period, the majority of factories employed between 75–95 percent women in lower-ranked positions, whereas the percentage of female supervisors in most factories fluctuates between 0–70 percent (see graph 1).

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**GRAPH 1: DISTRIBUTION OF FEMALE WORKERS AND FEMALE SUPERVISORS**



Based on the above findings, the disproportionate female worker/female supervisor ratio in the industry demonstrates the need for promotion of female leadership and career development. It may also be interpreted as an unconscious bias towards men with regards to opportunities for promotion and access to training<sup>i</sup>.

An overrepresentation of one gender in a certain position reflects power imbalances that are rarely used to the benefit of those in less powerful positions, and is a major reason for the occurrence of (sexual) harassment.

## 3. Sexual Harassment and Verbal Abuse

**Despite women's high participation rate in the Cambodian garment industry, they are not on equal terms with their male colleagues. Harmful gender norms and structures both within and outside the factory mean that women are excluded from certain types of work, are recognised less for their contributions, and are more likely to be harassed in their workplace<sup>ii,iii</sup>. According to Better Work's impact assessment, factories' wage structures are also significant factors in determining whether and to what extent workers experience verbal abuse and sexual harassment whilst at work<sup>iv</sup>.**

### 3.1 What is sexual harassment and verbal abuse?

Gender based violence is violence that is directed against an individual or group of people based on their gender identity. Sexual harassment is a form of gender based violence – the term used by the International Labour Organization. It is a form of sex-based behaviour that is unwelcome, unwanted and offensive to its recipient<sup>v</sup>. Behaviours can include physical harassment and physical violence/assault (ranging from unnecessary close proximity to rape and sexual assault), verbal harassment (comments about appearance, sexual orientation, phone calls) and non-verbal harassment (whistling, sexually suggestive gestures<sup>vi</sup>).

Verbal abuse is harsh and insulting language directed at a person. It can include shouting, abusive and vulgar language and bullying<sup>vii</sup>.

Sexual harassment and verbal abuse are not only a human rights issue, they are also an economic issue. When people do not feel safe and respected, they are more likely to leave a workplace, be absent more often and feel less productive at work. Verbal abuse and bullying – whether as a strategy to intimidate or elicit work effort, or as a by-product of extreme stress in the factory environment – has a negative impact on workers' lives and should be eliminated. Sexual harassment and verbal abuse detracts worker productivity and is associated with lower factory profitability.

### 3.2 Limitations of the assessment methodology

Cambodia has no legislation that obligates factories to establish formal reporting systems for cases of sexual harassment. As factories rarely develop their own systems, there is minimal formal reporting and documentation on this issue. Better Factories Cambodia's worker interviews during the assessment process are typically the first indicator of sexual harassment in factories. Assessors must win the trust

of workers in a very short period of time for indicators of sexual harassment to surface during interviews.

Most worker interviews (made up of randomly-selected groups) take about half an hour and many different issues are discussed. Personal and often negative experiences of discrimination, and in particular sexual harassment, take a lot of engagement and time to surface. Even in multiple-day workshops outside the factory, it may take several days for people to provide information about these experiences. When sexual harassment is suspected, gathering enough 'proof' to determine whether a violation has taken place is challenging. Confidentiality and job security of the victim need to be guaranteed, but details are also required for reporting on these cases.

Assessing verbal abuse appears somewhat easier. Most often verbal abuse manifests in shouting at a person, which is difficult for bystanders to miss. When during an assessment workers are asked if they have been treated disrespectfully, or know of people who have been, instances of verbal abuse surface more easily. The forms of verbal abuse usually reported are of a less private nature than forms of sexual harassment. Knowing that other people are aware of the situation, or know who the harasser is, appears to make it easier to speak out.

### 3.3 Sexual harassment and verbal abuse

**TABLE 1: BFC COMPLIANCE RATES - SEXUAL HARASSMENT AND VERBAL ABUSE**

COMPLIANCE QUESTION	# OF FACTORIES NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Is there sexual harassment of workers in the workplace?	2	0.5%
Have any workers been bullied, harassed, or subjected to humiliating treatment?	49	12%

Between May 2016 and April 2017, Better Factories Cambodia reported on sexual harassment in two cases (0.5 percent). In both factories, a male translator (translating communication between workers and

foreign management) physically and verbally sexually harassed female sewing operators and quality controllers. The conduct was reported by workers to management in one factory, while it was not reported in the other.

#### LEGAL PROVISION

Although there has been increasing amount of attention to gender equality in Cambodia in the past 10 years, there is very little that specifically deals with gender-based violence at work. As a result, there are few remedies and sanctions in cases of sexual harassment.

The most important law dealing with sexual harassment at work is Article 172 of the Labor Law, which prohibits all forms of sexual violations and is the only law specifically addressing sexual harassment in the workplace. However, the Penal Code, which applies across the board, prohibits sexual harassment, which it defines in somewhat greater detail. In addition, the 2005 Law on the Prevention of Domestic Violence, includes a provision dealing with sexual harassment.

The ILO is embarking on a standard-setting process on violence and harassment. In June 2018, the International Labour Conference will have a first discussion on the form and content of a possible standard or standards on “violence and harassment against women and men in the world of work”. As a lead-up to this first discussion, the ILO convened a Meeting of Experts on the topic in 2016, which conceptualized gender-based violence and harassment (including sexual harassment) within an overall continuum of violence and harassment in the world of work.



### What additional research tells us

The baseline survey of the impact assessment indicated that over 38 percent of the workers surveyed felt uncomfortable “Often” or “Sometimes” because of joking and flirting behaviours in the factory. More than 27 percent reported these types of behaviour came from their supervisor or manager. It was reported that 40 percent of workers do not think there is a clear and fair system for reporting sexual harassment in their factory. In addition, around 20 percent of the respondents reported being offered benefits (e.g. better pay, hiring) from their supervisors in exchange for sexual favours. It should be noted that worker surveys are done on individual tablets and not through interviews. Due to the sensitivities around sexual harassment, it is expected that workers feel more confident reporting on this topic through anonymous and confidential surveys than through face-to-face interviews.

Research conducted by CARE International about the prevalence and financial impact of sexual harassment to the Cambodian garment industry<sup>viii</sup> estimates the productivity cost at USD 89 million per annum.

This cost is generated from turnover, absenteeism and presenteeism related to sexual harassment in the industry. The study found that nearly one in three female garment factory workers report experiencing sexually harassing behaviours in the workplace in the 12 months prior to the CARE research. Outside the workplace, both women and men perceive regular and daily risk of sexual harassment. Interestingly, one in four men surveyed in the CARE study reported being asked questions of a sexual nature in the workplace.

### Harassment and verbal abuse

Other forms of harassment are found in 12 percent (49) of the assessed factories. In all cases, line leaders, supervisors or other management staff verbally harassed workers for reasons including making mistakes, not producing fast enough, or for doing things they do not want workers to be doing (e.g. looking at mobile phones). The line leaders, supervisors and/or management (both female and male, foreign and local) were reported to have used aggressive language, thrown objects at workers and/or threatened workers with contractual or other consequences.

## 4. Pregnancy and Maternity Leave

**Assessing compliance for pregnancy and maternity related questions is somewhat easier than assessing sexual harassment. Determining whether an employer provides and pays correctly for maternity leave can typically be verified by document review (i.e. analyzing payment slips) in a quite straightforward way. Worker interviews could give a first clue – maternity leave is not a topic as sensitive as sexual harassment – or confirm the finding from document review.**

However, assessing compliance for pregnancy related questions is more challenging. Many forms of this discrimination are banned by law (e.g. using pregnancy tests as a condition for employment or terminating pregnant workers) so employers tend to use more subtle recruitment techniques or termination reasons.

Hence, while non-compliance rates may be low, pregnancy as a barring condition for employment or reason for termination might be more prevalent, yet not illegal as per the assessment questions of Better Factories Cambodia.

## 4.1 Pregnancy

**TABLE 2: BFC COMPLIANCE RATES - PREGNANCY**

COMPLIANCE QUESTION	# OF FACTORIES NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Does the employer address safety and health risks to pregnant workers or workers who are nursing?	4	1%
Does the employer require pregnancy tests or the use of contraceptives as a condition of employment?	4	1%
Does the employer terminate workers who are pregnant or force them to resign?	4	1%

The non-compliance rates for pregnancy-related questions are low. In 1 percent of the assessed factories, the employer did not adequately address health risks to pregnant and nursing workers. In non-compliant factories, pregnant and nursing women were not allowed to do light work, or had no chairs to rest on when they were tired.

In 27 factories, Enterprise Assessors noted that the factory provided paid time-off for antenatal care visits. The paid time-off varies from a few hours to a full day per month. It was also noted that for those same factories, most pregnant workers were allowed to leave the workplace slightly earlier (5 minutes to 15 minutes) before each break.

In 1 percent of the assessed factories, the employer required a pregnancy test or the use of contraceptives as a condition of employment; they also terminated pregnant workers or forced them to resign. Enterprise Assessors found that there was conflicting evidence of this during interviews. Management denied these forms of discrimination or said they had wanted to 'protect' pregnant workers. Workers said they felt they had to hide their pregnancy or otherwise felt forced to resign.

During the reporting period, none of the assessments revealed whether factories use contraceptives as a

### LEGAL PROVISION

An employer may not terminate an employee: because she is pregnant, while she is on maternity leave, immediately before taking maternity leave.

Pregnant women or women who have given birth or had a miscarriage within the last two months shall not move objects over 5 kilograms

*Constitution Art 46, Labour Law Arts 182-183, Prakas 124/01*

formal requirement for employment. Based on information collected through 49 worker interviews and two focus group discussions during assessments<sup>ix</sup> the majority of workers seem to feel confident and physically strong enough to apply for a job once they know they are pregnant, but the pregnancy is not yet visible. About a third of the interviewed workers gave up on attempts to get a job at the factory, primarily because of recruitment related reasons. Reasons include the expectation that one will not be hired whilst visibly pregnant and the belief that an employer will not employ workers if they find out about their pregnancy otherwise.

Forthcoming research from the International Labour Organization and Population Council on work-family balance and maternity protection in the garment industry of Cambodia, based on focus group discussions and in depth interviews with workers and former garment workers (who were pregnant whilst working and who have never been pregnant) equally found little information of workers being terminated because of their pregnancy. However, key informant interviews with union representatives were able to report a number of cases of women being terminated in a select group of factories<sup>x</sup>.

#### Methods used to find out pregnancy status

More than half of the respondents in the worker interviews conducted by BFC experienced or heard of several methods used to find out the pregnancy status

during recruitment. Asking direct questions and pregnancy related questions are the most reported method of learning about the pregnancy status of the female applicants. Some workers had experienced or heard of physical observation used as a condition for employment. Only a small number of participants mentioned the use of physical exercises (running, jumping, or dancing) as a way to detect pregnant workers during a recruitment process.

In some factories, pregnant women are treated separately to other workers by being given different ID card and/or coloured scarf or headband. This allows for easy identification of pregnant women so supervisors allocate lighter work, provide rest when needed and to help security guards allow them to leave earlier before breaks.

## 4.2 Maternity Leave

**TABLE 3: BFC COMPLIANCE RATES - MATERNITY LEAVE**

COMPLIANCE QUESTION	# OF FACTORIES NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Does the employer provide workers at least 90 days of maternity leave?	2	1%
Does the employer pay workers correctly for maternity leave?	59	15%
Does the employer include the entire period of continuous employment when determining workers' entitlements to maternity leave, attendance bonus, seniority bonus, and/or annual leave?	40	10%
Is maternity leave excluded from workers' period of continuous service?	0	0%
Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave?	1	0%
Does the employer terminate workers who are on maternity leave or force them to resign?	2	1%

### LEGAL PROVISION

Women are entitled to 90 days (3 months) maternity leave.

An employer may not terminate an employee: because she is pregnant, while she is on maternity leave, immediately before taking maternity leave.

Employers must pay employees who have at least one year work seniority half their wages and benefits for the duration of the maternity leave. Employers should calculate the payment on the basis of the employee's average pay during the 12 months prior to departing on maternity leave.

During the first two months after returning from maternity leave employees may only be required to perform light work.

*Constitution Art 46, Labour Law Arts 182-183, AC Awards 24/03, 49/04, 66/06, 80/10*

Almost all factories assessed (except 2) provided workers with 90 days maternity leave. However, 15 percent of the factories did not pay maternity leave payments correctly. The most frequently reported reasons for non-compliance are the incorrect calculation of payments. According to the Labour Law, workers are entitled to 50 percent of their average earnings, which includes overtime and other benefits, during the 12 months preceding the leave. Instead, a large group of workers were paid 50 percent of their basic wage. The second reason for non-compliance is the timing of the maternity leave payment. In 46 percent of factories, workers were not paid the entire maternity leave entitlement prior to going on leave or during their leave. Factories paid out (part of) the entitlement upon return to work, which can lead to women not receiving this payment if they decide not to return to the factory. Workers' knowledge of their rights on this point seemed low, based on worker interviews.

Additionally, in another 10 percent of assessed factories workers were not correctly paid for their entitlements. This included maternity leave in a number of cases and was mostly due to the use of short term contracts that can easily be terminated or short breaks between contracts that allow employers to avoid paying benefits.

Maternity leave is not excluded from workers' period of continuous employment. In one factory, the employer changed the employment status of workers during their maternity leave. In 2 other factories (1 percent), the employer terminated workers on maternity leave or forced them to leave. Some workers did not ask for any payment of maternity leave as there seemed to be an implicit understanding that their pregnancy was the reason for the termination of their contract.

### Changes in the social security system

Important changes are being introduced in the Cambodian social security system that will help ensure that pregnant women have improved entitlements to paid maternity leave. Under the new National Social Security Fund (NSSF) scheme, women will be entitled to paid maternity leave after having worked and contributed for nine consecutive months, regardless of the number of employers they had during that period of time<sup>xi,xii</sup>.



## 5. Childcare and Breastfeeding

The questions related to childcare and breastfeeding have the highest reported non-compliance rates compared to all 250 assessment questions. These high non-compliance rates can be explained by the fact that assessing whether there is a physical (nursing) room available at the factory premise can be easily observed and is thus easier to note than forms of harassment and discrimination.

Additionally, the question about childcare in Better Factories Cambodia’s assessment tool consists of two elements (having a nursing room and providing childcare options) during the the reporting period. With the revision of the checklist in January 2018, the question was split in two separate questions. This is expected to reduce the reported rates of non-compliance.

The relatively high non-compliance rates for breastfeeding related questions may also indicate that breastfeeding is likely not a priority for both workers and employers at this point in time.

### 5.1 Childcare

TABLE 4: BFC COMPLIANCE RATES - CHILDCARE AND NURSING ROOMS

COMPLIANCE QUESTION	# OF FACTORIES NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Does the workplace have a functioning and accessible nursing room, and a functioning day care centre at or near the workplace?	283	72%

**LEGAL PROVISION**

An employer who employs 100 women or more must set up an operational nursing room.

The Arbitration Council has found that giving milk formula or payment instead of providing a nursing room is not allowed under the law.

*Labour Law arts. 186, AC Award 63/04, 68/04*

**LEGAL PROVISION**

An employer who employs 100 women or more must set up an operational day care centre.

If an employer is not able to set up a day care centre for children over 18 months of age, then they must pay women employees the cost of providing day care for their children.

*Labour Law arts. 186, AC Award 63/04*



Among the gender marked compliance questions, those relating to breastfeeding and childcare show the highest non-compliance rates. In 72 percent of the assessed factories, the workplace did not have a functioning and accessible nursing room and/or a functioning day care center at or near the workplace. Over the last twelve years, compliance rates for a functioning nursing room have consistently been low, with 50 percent or more factories being non-compliant. Although it is relatively easy to assess whether there is a functioning and accessible nursing room in a factory, it is unknown how many women use the nursing rooms and day care centers as Better Factories Cambodia does not collect this information.

### Childcare facilities and allowance

Twelve functioning day care centers were explicitly reported on during compliance assessments. Out of the 12, 3 were reported to have some children present on the day of the assessment. Out of all 395 factories during the reporting period, it was reported that 166 factories provided a child care allowance, varying between US\$5 and US\$20 per month in lieu of setting up a day care facility in accordance with the law. Almost half of these factories paid US\$5, while almost one third paid US\$10. This included 65 factories where the allowance was only paid to workers who had returned from maternity leave, not to newly recruited

workers who had their child prior to starting work at the factory. The Labour Law requires factories to provide the child care allowance to all female workers with children between the ages of 18 and 36 months, regardless of whether the children were born while the mother was employed at that factory.

### Nursing room

In the assessed factories, 245 did not have a functioning nursing room. The most commonly reported reasons for this was that the nursing room was not available to workers as it was used for other purposes (e.g. storage, meeting room, 'coin treatments'), and the nursing room being combined with the day care room or the infirmary. Most nursing rooms contained chairs, hammocks or wooden bedframes. In many factories, workers were not aware of the availability of either the nursing room or the day care facility and if they were (confirmed by the interviews and focus group discussion conducted by BFC enterprise assessors as well), most people did not want to bring their children to their workplace because of transportation safety risks. The table below summarises the situations of factories that were found to be non-compliant during the reporting period (see Annex 3 with the percentage of factories compliant with the requirements).

**TABLE 5: BFC COMPLIANCE RATES - BREAKDOWN OF NON-COMPLIANCE CATEGORIES FOR CHILDCARE AND NURSING ROOMS**

#### DOES THE WORKPLACE HAVE A FUNCTIONING AND ACCESSIBLE NURSING ROOM, AND A FUNCTIONING DAY CARE CENTRE AT OR NEAR THE WORKPLACE?

Written assessment finding (non-compliance)	% of factories <sup>xiii</sup>
Functioning nursing room + no day care facility or childcare allowance	12%
Functioning nursing room + childcare allowance, but not correctly paid to (new) workers	5%
No functioning nursing room + functioning day care facility	2%
No functioning nursing room + childcare allowance	22%
No functioning nursing room + childcare allowance, but not correctly paid to (new) workers	16%
No functioning nursing room + no day care facility or childcare allowance	43%

**Establishing nursing rooms**

Research from Helen Keller International (HKI)<sup>xiv</sup> found that nursing rooms in garment factories were smaller compared to the rooms provided in NGOs and/or UN organizations. The average cost garment factories spent on building the nursing room was USD \$1,600 and an additional USD \$150 for the equipment within the rooms. On average, garment factories spent more on the construction of the rooms compared to the NGOs and/or UN agencies, but spent less on the equipment and supplies placed in the nursing rooms.

An “ideal nursing room”, as defined by HKI, has the following attributes: (i) basic standard of cleanliness maintained; (ii) functional refrigerator; (iii) entrance door with an internal locking mechanism; (iv) comfortable chairs, ideally recliners; (v) easily accessible to lactating workers; (vi) breast-milk pump machine; and (vii) informative pictures/posters on the subject of breastfeeding and other related infant and young children’s health topics. None of the nursing rooms in the garment factories in the study had all seven attributes.

**The use of nursing rooms**

Managers at the garment factories surveyed by HKI estimated that none of their female employees use the available nursing rooms. All female garment workers interviewed by HKI confirmed that they had never used the nursing rooms. The main reasons given by these female employees were similar to those reported by the managers (i.e. the child lives far away with family members or they have a caregiver at home that takes care of the child).

In the absence of a nursing room in the workplace, both managers and female employees were asked about the challenges and difficulties faced by the female staff. The top three reported challenges were: difficulties with breastfeeding which often resulted in the cessation of breastfeeding; loss of time for work as the women often travel home during breaks and are unable to work over time; and mother’s worry about the child at home. Anecdotal information gathered by BFC enterprise assessors does not differ from HKI’s findings.

**5.2 Breastfeeding****TABLE 6: BFC COMPLIANCE RATES - BREASTFEEDING**

COMPLIANCE QUESTION	# OF FACTORIES NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Does the employer provide workers with paid time off for breastfeeding during working hours as required by law? (Leave)	151	38%
Does the employer provide workers one hour of paid time off per day for breastfeeding? (Compensation)	84	21%



### LEGAL PROVISION

For the first year of a child's life, mothers have the right to one hour per day paid breastfeeding breaks during work hours. Mothers may take this hour as 2 periods of 30 minutes each (e.g. 30 minutes during both the morning and afternoon shifts). The exact time of breastfeeding breaks should be agreed between the mother and her employer. If there is no agreement, the breaks should take place half way through each shift. Giving milk formula or payment instead of breastfeeding breaks is not allowed under the law. Breastfeeding breaks are in addition to the normal breaks that an employee receives.

*Labour Law Arts 184-185, AC Award 05/03*

### The provision of time off for breastfeeding

During the reporting period, 38 percent of factories were found to be non-compliant on providing time-off to breastfeed to the workers with a child up to 12 months old. Two-thirds of factories exclude newly-recruited workers with a child up to 12 months from taking paid time-off to breastfeed.

During the BFC assessments, many interviewed workers stated they were not aware that newly-recruited workers with young children were entitled to the one hour time-off for breastfeeding.

**TABLE 7: BFC COMPLIANCE RATES COMPARED FOR WORKERS WITH SENIORITY AND NEWLY RECRUITED WORKERS**

**DOES THE EMPLOYER PROVIDE WORKERS WITH TIME OFF FOR BREASTFEEDING DURING WORKING HOURS AS REQUIRED BY LAW?**

Written assessment finding (non-compliance)	% of factories
Paid time-off not provided to any female worker with child up to 12 months old	35%
Paid time-off not provided to newly recruited female worker with child up to 12 months old	65%

### The payment of time off for breastfeeding

The Labour Law also states that women who use the one hour time off for breastfeeding should be paid for the one hour time off if they take it. The calculation of remuneration for workers taking time off to breastfeed easily leads to confusion for employers. Basic wage workers need to be paid the basic hourly wage. However, piece rate workers need to be paid based on their piece rate output hourly earning. Often, the hourly earning is calculated incorrectly as the daily time off is not deducted from the total amount of hours worked per month.

The assessment data shows that 21 percent of factories did not pay women correctly, with the most common non-compliance reasons being not paying newly recruited workers this entitlement and paying piece rate workers the basic wage rather than their piece rate wage if this was higher than the hourly basic wage. In some instances, the employer also provided cash compensation instead of taking time off which is not allowed under the law.

## HOW TO CALCULATE PIECE RATE EARNINGS

To clarify, here is the formula to calculate the piece rate output hourly earning:

$$\text{\$ Piece rate output/hour} = \frac{\text{Total piece rate output earning}}{\text{Total working hours}}$$

Total working hours (“standard”) = 26 working days x 8 hours per day = 208 hours

Total working hours (time off for breastfeeding) = 26 working days x 7 hours per day = 182 hours

Note: If the piece rate output hourly earning is lower than the hourly basic wage, the employer has to pay the hourly basic wage instead.

*Labour Law Arts 184-185, AC Award 05/03*

## THE CHALLENGES TO COMBINE BREASTFEEDING AND WORKING IN A GARMENT FACTORY

Putting breastfeeding in a broader perspective, the World Health Organization’s recommended nutritional advice for newborns and infants is for exclusive breastfeeding to commence within one hour of birth and continue until the child reaches the age of six months, followed by the addition of appropriate complementary feeding. Working women are not necessarily less interested in breastfeeding than non-working mothers. Rather, it is the difficulty of continuing to breastfeed under the conditions experienced when they return to work that are most often cited as the reasons for other types of feeding. A woman’s ability to breastfeed is markedly reduced when she returns to work if breastfeeding breaks are not available, if decent child care (near her workplace or at home) is inaccessible or unaffordable, and if no facilities are available for pumping or storing milk<sup>xv,xvi</sup>.

Breastfeeding trends in Cambodia show a decline in infants being exclusively breastfed or breastfed at all<sup>xvii</sup>. There are many reasons why it might be challenging for many workers, including those in the garment sector, to exclusively breastfeed their children until 6 months of age. Similar to other women around the world, the

lack of opportunities to breastfeed in the workplace (e.g. lack of suitable nursing rooms), the combination of paid work and care (working hours) and the fact that they might be migrant workers, who do not live with their family during the working weeks are examples of frequently heard challenges.

It should also be noted that some women do not return to work after their maternity leave ends for a variety of reasons, including not feeling fit enough, their babies being too small and weak<sup>xviii</sup> and not having childcare options that meet their requirements<sup>xix</sup>.

### Proximity of the child while at work (childcare)

When women reenter the workforce after a contract break, some return to work in the same factory again but lose their work seniority. If they do return to work, they need to have childcare. Due to cultural practices, most women prefer grandparents to look after their child, which leads to empty and unused childcare facilities at the factories. Depending on where the factory is located, women may leave their child with grandparents in the countryside and live closer to a factory, seeing the child only a couple of times a month. If there are no grandparents that can look after a child, families need to pay another caregiver, with

expenses varying from US\$25 to US\$70 per month, based on anecdotal information<sup>xx</sup>.

### **Legal gap between childcare and breastfeeding entitlements**

Legally, there is also a gap that adds to the challenges women workers face. Women are entitled to breastfeed until the child is 12 months old, yet the provision of childcare facilities or allowance is only required for children aged 18 months up to three years. For employers to be encouraged to provide childcare options for infants, legal requirements tend to be necessary as employers usually do not volunteer to take the responsibility of care for very young children. And for workers to be incentivized to live with their children and have them use the child care facilities, the facilities do not only need to be of good quality, but there also needs to be good quality options available for this entire period up to the start of primary school. In Cambodia, that means a child needs to be looked after until it is 5 or 6 years old.

### **Transportation**

Even if the worker would like to take the child to the factory – if a functioning nursing and day care facility is available – transportation is often an issue both for the worker and for the caregiver. Transportation to factories in Cambodia is unregulated. Most workers come to work by moto or foot. But a large number of people, especially those working in factories outside Phnom Penh, commute for long periods of time on forms of collective transportation (e.g. flat deck trucks, rormoks, vans). In 2016, there were 4,451 road crashes involving garment factory workers, with 43 garment factory worker casualties<sup>xxi</sup>. Bringing an infant on a moto or packed truck/van is far from ideal.

### **Limited availability of decent pumping facilities**

Because of these realities, many working mothers prefer to give their children milk formula once they go back to work. As formula is expensive, a number of workers have agreements with factories to receive

monetary compensation for formula instead of paid breaks<sup>xxii</sup>. However, the Cambodian Arbitration Council has stated that breastfeeding must be encouraged under all circumstances, and that expressing milk is still an option to ensure sufficient milk production to feed the child outside working hours (and discard the expressed milk if there are no adequate storing options available)<sup>xxiii</sup>.

However, good pumps are hard to find and expensive if women do not want to hand express. Hand expressing does not seem common in Cambodia and many women lack information on how to do it<sup>xxiv</sup>. A trial to express breast milk in factories in Phnom Penh was not successful, due to a mistrust by women of the storage fridges at work and the difficulties in transporting expressed milk between work and home<sup>xxv</sup>.

### **Long working hours**

Breastfeeding takes time and by being away from home at least eight hours a day, plus commuting time, possible overtime and having other responsibilities at home often makes this a challenge. Qualitative research has found that factory work is incompatible with mothers exclusively breastfeeding for the first six months. As a result, many women choose to give formula to their children instead. Good quality formula is expensive, and without monetary compensation children are often provided with cheaper, lower quality formula or are put on a poor nutritional diet<sup>xxvi</sup>.





## 6. Contract Discrimination

**Forms of contract discrimination are usually first picked up during observation of working sections, for instance, if there seems to be a strong division of labour. If it is noted that there are only women working in some sections and men in other sections (based on stereotypes) then there may be discrimination regarding conditions of work.**

Obtaining the total number of women and men working in a factory may also be a good first clue; if the total number of men working in a factory is far below industry average then a factory might discriminate based on gender in hiring decisions.

Forms of contract discrimination are also discussed during worker interviews to gather more detailed information before suspected practices are discussed with the employer.

**TABLE 8: BFC COMPLIANCE RATES - CONTRACT DISCRIMINATION**

COMPLIANCE QUESTION	# OF FACTORIES FOUND NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Do job announcements refer to the applicant's gender?	2	0.5%
Is an applicant's gender a factor in hiring decisions?	26	7%
Is gender a factor in decisions regarding conditions of work?	1	0.25%
Is gender a factor in decisions regarding opportunities for promotion or access to training?	0	0%
Is gender a factor in decisions regarding pay?	0	0%
Is gender a factor in the employer's decisions regarding termination or retirement of workers?	0	0%

### LEGAL PROVISION

No employer is allowed to take into consideration: race, sex, political opinions, social origin, colour, religion or beliefs, ancestry, union membership or union activities; when making a decision on: hiring, vocational training, promotion, granting social benefits, assigning of work, advancement, pay, discipline or termination of employment.

*Labour Law Art 12*

### **Recruitment and hiring practices**

Better Factories Cambodia assesses contract discrimination and found that in two of the assessed factories job announcements referred to the applicant's gender (stating a preference for female workers) and in 26 factories (7 percent), an applicant's gender was a factor in hiring decisions. In almost all of these 26 factories, the percentage of men working in the factory was much lower than the industry average. In two-third of factories with non-compliance, men were discriminated against by being employed under less favourable contracts than women, including shorter and more frequent fixed term duration contracts, continuous employment as a casual worker and hiring through subcontracting factories only.

Also in two-thirds of the non-compliant factories, men were required to submit references from people already working in that factory. In those references, current employees (often friends or relatives of the applicant) state that in case of unrest they – the current workers – are responsible for any consequences that may occur. In this way, the employer creates a form of liability from the male applicants to current workers, assuming this will be a stronger form of self-control and regulation against unrest.

In most, but not all cases, the employer explained to Enterprise Advisers that they did not like hiring men because they were afraid of them causing trouble on the work floor, or they find men are more difficult to manage. The baseline of the impact study showed that almost half of the male workers surveyed reported to be employed on contracts shorter than 3 months compared to around 37 percent of the female workers that were surveyed. These findings are in line with previous qualitative research conducted by the ILO<sup>xxvii</sup>.

### **Promotion and access to training**

Gender was not found to be a factor in decisions regarding opportunities for promotion or access to training, in decisions regarding pay, or in the employer's decisions regarding termination or retirement.

Workers surveyed as part of the impact study showed that almost 27 percent of all respondents reported having faced an obstacle or received some kind of unfair treatment in their work. Specifically, over 41 percent of concerned workers faced unfair obstacles related to training opportunities while 32 percent were unfairly assigned to a particular job. When asked about the reasons for such treatment, a considerable proportion of workers indicates their job performance as a potential reason. Other common reasons included how often one complains or talks back to the supervisor, age, family obligations and pregnancy.

Better Factories Cambodia's assessments have a strong focus on determining if there is evidence of contract discrimination based on gender, as well as on other variables such as religion, disability and race. In most cases, non-compliance is linked to contract discrimination against men. However, other patterns and practices have been revealed which show that gender-based discrimination also negatively affects women. These issues include differences in the types of jobs that women occupy compared to men, access to training, the ratio of female versus male supervisors and the specific entitlements related to pregnancy and maternity.

## 7. Conclusion and Next Steps

The global garment industry has the potential to lift millions of women and men out of poverty worldwide, and can advance gender equality. Better Work research has demonstrated that when all workers, men and women, are treated fairly and have decent jobs, everyone benefits. It is within this framework that Better Factories Cambodia has developed its gender strategy. This report further analyses specific gender issues in the Cambodian garment industry.

This report indicates, amongst others, low levels of awareness amongst workers of rights as they relate to gender issues. Female garment workers, especially newly recruited mothers, are in a disadvantaged position. The analysis also shows that male garment workers are put on more precarious contracts in a number of factories, compared to women. Yet, men are more likely to be employed in higher ranked and better paid positions.

### 7.1 The interconnectedness of gender equality themes

The analysis of gender marked compliance questions reflects the four gender equality themes of Better Factories Cambodia and Better Work's Gender Strategy, namely:



#### Discrimination

Preventing sexual harassment; tackling contractual discrimination (recruitment and occupational segmentation) bridging the gender wage gap



#### Paid Work & Care

Sexual and reproductive health and rights (including pregnancy related healthcare and nutrition); maternity protection; breastfeeding; childcare



#### Voice & Representation

Representation of women workers in factories' committee (including Better Work worker-management committee) and trade unions, union federations and employer organization; voice in collective bargaining processes



#### Leadership & Skill Development

Career opportunity in factories (e.g. line supervisors and management position); leadership positions in governments, trade unions and employers organizations; financial literacy and household budget planning bridging the gender wage gap

The analysis also shows the interconnected nature of the four themes, and why it is that any approach to improve non-compliance rates for a specific question will need to consider more than that single issue to be transformative.

For instance, the highest reported non-compliance rate (i.e. for functioning nursing rooms and childcare) points to much wider issues, namely the challenge to combine paid work and care. Motherhood seems to be

defined by the challenge of combining work and care. Enabling women and men to combine paid work and care in decent ways is detrimental to achieving gender equality.

With a short duration of maternity leave, the return to work is challenging as women struggle to find adequate childcare options and cannot combine (exclusive) breastfeeding an infant with work in a garment factory. Non-compliance rates are not

expected to improve much unless women start being closer to their children whilst at work and can and continue to breastfeed – a vicious circle.

The challenge to combine paid work and care leads to (sometimes unconscious) restricted opportunities for promotions and skills development, which in turn leads to a limited number of women in leadership positions. Successful strategies combatting sexual harassment and discrimination at work have been linked to a higher number of women in leadership positions, underlining the importance of creating circumstances in which women can reach their full potential.

A fair representation of women and men in leadership positions is also needed within trade unions. Not only are more female leaders needed to address women specific issues, breaking the stereotypical assumption that mainly men are involved with union activities (and “trouble makers”) is equally important to combat discrimination.

## **7.2 Next Steps**

Linked to Better Factories Cambodia’s Gender Strategy (2017-2018) is an action plan which includes a set of actions and interventions to counter non-compliance rates and improve gender equality. Below is a summary of planned interventions aligning with the gender equality themes.

### **Discrimination**

Discrimination in recruitment and hiring is a deep rooted problem which is not easily solved. Attitudes of individuals in charge of hiring are often based on negative personal experiences or unconscious bias. Better Factories Cambodia will continue to provide detailed feedback as part of its assessments for factories to make the first steps for improvement.

Furthermore, Better Factories Cambodia is developing and testing guidelines for advisory factories to provide detailed advice and practical steps for all parts of the

recruitment and retention process to successfully eliminate discrimination.

### **Sexual Harassment**

Better Factories Cambodia will train its own team to become better able to detect forms of non-compliance for gender marked questions. As a result, non-compliance rates may go up in future. This will not necessarily mean a worsening of conditions in the industry, but rather a more accurate representation of the actual state of the industry. These assessment findings will also be addressed in training and advisory services.

In addition, Better Factories Cambodia is exploring options to collaborate with partners to implement a multiple-session training course to prevent sexual harassment in the workplace and effective remediation measures.

### **Paid work and Care**

Based on the analysis of the gender marked questions, there is a need for improved communication between employers and workers about the rights and responsibilities with regards to breastfeeding, childcare and maternity leave. Acknowledging the findings, Better Factories Cambodia plan to revise relevant training materials to provide, for example, supervisors and human resource officers with the best tools and techniques to inform workers about their maternity protection rights.

Better Factories Cambodia will also seek dialogue with relevant stakeholders to address the perceived discrepancy between the existing legislation and workers’ reality. The aim is to support the improvement of the quality of life and the livelihood for both women and men in the garment industry, possibly by advocating, together with the International Labour Organization, for extended (unpaid, optional) maternity leave. Forthcoming research from the ILO and Population Council also highlights the need to involve men. The decision to return to work after giving

birth is typically a household choice made on a cost-benefit analysis and in which male partners play an important role.

### **Voice and Representation**

As systematic gender disaggregated data collection on union membership and leadership is weak nationally, Better Factories Cambodia has committed to include gender disaggregated data of union representatives and shop stewards interviewed during assessments. We will analyse this data on a regular basis and define further strategies to promote gender equality in this area.

### **Leadership and Skills Development**

Contributing to the leadership and skills development of workers is a priority for Better Factories Cambodia. We will continue to provide the successful Supervisory Skills Training as part of our training services and investigate how we can make women and men equally productive supervisors.

Better Factories Cambodia also would like to see stronger participation from women on the worker-management committees in the factories that receive advisory services. We are preparing a collaboration with UN Women to foster female leadership.

**We trust that Better Factories Cambodia's continuing reports and analysis of compliance data for gender marked questions will encourage other stakeholders to start a discussion on how we can all contribute to advance gender equality in the Cambodian garment industry and beyond.**

## Annex 1

**TABLE 9: GENDER MARKED QUESTIONS IN THE CHECKLIST PER CLUSTER**

CLUSTER	GENDER MARKED QUESTIONS IN THE ASSESSMENT CHECKLIST
Child labour	-
Discrimination	<ol style="list-style-type: none"> <li>1. Do job announcements refer to the applicant's gender?</li> <li>2. Is an applicant's gender a factor in hiring decisions?</li> <li>3. Is gender a factor in decisions regarding conditions of work?</li> <li>4. Is gender a factor in decisions regarding pay?</li> <li>5. Is gender a factor in decisions regarding opportunities for promotion or access to training?</li> <li>6. Is gender a factor in the employer's decisions regarding termination or retirement of workers?</li> <li>7. Is there sexual harassment of workers in the workplace?</li> <li>8. Does the employer terminate workers who are pregnant or force them to resign?</li> <li>9. Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave?</li> <li>10. Does the employer terminate workers who are on maternity leave or force them to resign?</li> <li>11. Is maternity leave excluded from workers' period of continuous service?</li> <li>12. Does the employer require pregnancy tests or the use of contraceptives as a condition of employment?</li> </ol>
Forced labour	-
Freedom of association and collective bargaining	-
Compensation	<ol style="list-style-type: none"> <li>1. Does the employer pay workers correctly for maternity leave?</li> <li>2. Does the employer provide workers one hour of paid time off per day for breastfeeding?</li> </ol>
Contracts and human resources	<ol style="list-style-type: none"> <li>1. Does the employer include the entire period of continuous employment when determining workers' entitlements to maternity leave, attendance bonus, seniority bonus, and/or annual leave?</li> </ol>



### Occupational safety and health (OSH)

1. Does the workplace have a functioning and accessible nursing room, and a functioning day care centre at or near the workplace?
2. Does the employer address safety and health risks to pregnant workers or workers are nursing?

### Working time

1. Does the employer provide workers at least 90 days of maternity leave?
2. Does the employer provide workers with paid time off for breastfeeding during working hours as required by law?

## Annex 2

**TABLE 10: COMPLIANCE RATES FOR ALL GENDER MARKED QUESTIONS**

GENDER MARKED QUESTION	# OF FACTORIES FOUND NON-COMPLIANCE	NON-COMPLIANCE RATE BY QUESTION
Does the employer provide workers with paid time off for breastfeeding during working hours as required by law?	151	38%
Does the employer provide workers one hour of paid time off per day for breastfeeding?	84	21%
Does the employer pay workers correctly for maternity leave?	59	15%
Does the employer include the entire period of continuous employment when determining workers' entitlements to maternity leave, attendance bonus, seniority bonus, and/or annual leave?	40	10%
Is an applicant's gender a factor in hiring decisions?	26	7%
Does the employer address safety and health risks to pregnant workers or workers are nursing?	4	1%
Does the employer require pregnancy tests or the use of contraceptives as a condition of employment?	4	1%
Does the employer terminate workers who are pregnant or force them to resign?	4	1%
Do job announcements refer to the applicant's gender?	2	1%
Does the employer provide workers at least 90 days of maternity leave?	2	1%
Does the employer terminate workers who are on maternity leave or force them to resign?	2	1%

Is there sexual harassment of workers in the workplace?	2	1%
Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave?	1	0%
Is gender a factor in decisions regarding conditions of work?	1	0%
Is gender a factor in decisions regarding opportunities for promotion or access to training?	0	0%
Is gender a factor in decisions regarding pay?	0	0%
Is gender a factor in the employer's decisions regarding termination or retirement of workers?	0	0%
Is maternity leave excluded from workers' period of continuous service?	0	0%

## Annex 3

**TABLE 11: BFC COMPLIANCE RATES - BREAKDOWN OF COMPLIANCE CATEGORIES FOR CHILDCARE AND NURSING ROOMS**

**DOES THE WORKPLACE HAVE A FUNCTIONING AND ACCESSIBLE NURSING ROOM, AND A FUNCTIONING DAY CARE CENTRE AT OR NEAR THE WORKPLACE?**

Written assessment finding (Compliance)	% of factories <sup>xxviii</sup>
Functioning nursing room + day care facility	5%
Functioning nursing room + childcare allowance	71%
No written finding in assessment report	34%

## End Notes

- <sup>i</sup> International Labour Organization (ILO), (2012a), Action-oriented research on gender equality and the working and living conditions of garment factory workers in Cambodia, ILO Regional Office for Asia and the Pacific.
- <sup>ii</sup> CARE International (2017). 'I know I cannot quit.' The prevalence and productivity cost of sexual harassment to the Cambodian garment industry. Cranberra: CARE Australia.
- <sup>iii</sup> ILO (2012a).
- <sup>iv</sup> ILO (2016), Progress and potential: How Better Work is improving garment workers' lives and boosting factory competitiveness: A summary of an independent assessment of the Better Work programme, ILO, Geneva.
- <sup>v</sup> International Training Centre of the International Labour Organization and Fair Wear Foundation, (2016), Gender-based violence in global supply chains – information sheets, Turin, Italy.
- <sup>vi</sup> CARE International (2017).
- <sup>vii</sup> ILO (2016).
- <sup>viii</sup> CARE International (2017), Based on a large scale, nationally representative survey of sexual harassment in the Cambodian garment industry. It combines quantitative survey data from 1,287 workers across 52 factories, with 25 qualitative interviews and 9 focus group discussions conducted in a variety of different living and working environments.
- <sup>ix</sup> Conducted by Better Factories Cambodia Enterprise Assessors as part of the gender and diversity projects between July – October 2017.
- <sup>x</sup> International Labour Organization and Population Council, forthcoming (expected March 2018), working title 'Work-family balance and maternity protection in the garment industry of Cambodia'. The study collected information from around 100 respondents (between November – December 2017) with different profiles through three qualitative data collection methods: Focus Group Discussions, In Depth Interviews, and Key Informant Interviews. Four factories were selected for the study: three in Phnom Penh and one in Kandal Province.
- <sup>xi</sup> Prakas on Health Care Benefits, NO. 109 LV/PrK.
- <sup>xii</sup> National Social Protection Policy Frame Work 2016–2025, The Royal Government of Cambodia, Approved by the Council of Ministers on 24 March 2017 (Unofficial Translation).
- <sup>xiii</sup> Total number of factories non-compliant: 283.
- <sup>xiv</sup> Hellen Keller International (2017), Research on Appropriate Lactation Rooms in Different Workplace Settings in Phnom Penh. In total, 20 workplaces were included, consisting of 5 garment factories, 4 banks, 7 NGOs and/or UN agencies, and 4 government institutions in Phnom Penh; of which 6 workplaces had a nursing room and 14 workplaces were without a nursing room. In total, a sample of 20 managers and 58 female employees with children under 24 months were interviewed.
- <sup>xv</sup> Heymann, J., Raub, A., & Earle, A., (2013), 'Breast-feeding policy: a globally comparative analysis', Bulletin of the World Health Organization, World Health Organization, 18 April 2013 (online), page 3.
- <sup>xvi</sup> Morgan, A., (2015), 'Working Moms: Behaviours and Barriers to Accessing Maternal and Child Health Services for Women Working in Factories in Cambodia. Preliminary Findings, Kampong Chhnang province, Cambodia' World Vision.

<sup>xvii</sup> Cambodia Demographics and Health Surveys 2010 and 2014.

<sup>xviii</sup> ILO (2012a).

<sup>xix</sup> ILO and Population Council, forthcoming (expected March 2018).

<sup>xx</sup> The minimum wage for 2017 was set at USD 153 per month.

<sup>xxi</sup> National Social Security Fund, December 2017.

<sup>xxii</sup> A factory will still receive non-compliance during an assessment if they provide monetary compensation for formula, as this is not allowed under the law, even if workers and employers have an agreement.

<sup>xxiii</sup> International Labour Organization (ILO), (2012b), Practical challenges for maternity protection in the Cambodian garment industry, ILO regional office for Asia and the Pacific.

<sup>xxiv</sup> As explained by Save the Children per email to the author of the report in May 2017.

<sup>xxv</sup> Cockroft, M., (2014) Sexual and Reproductive Health and Rights of Migrant Garment Factory Workers in Cambodia, UNFPA, Phnom Penh.

<sup>xxvi</sup> Morgan, A. (2015), Cockroft, M. (2014).

<sup>xxvii</sup> ILO (2012b).

<sup>xxviii</sup> Total number of factories compliant: 112.

## Acknowledgement

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