



## Building Capacity at Grassroots to Engage in Evidence-based Bargaining Using Publicly Disclosed Data



End-of-Initiative Learning Report (August 2020-December 2024)

Self-Reflection Workshop on Project Reflections, November 2024, Phnom



31st January 2025

## **1. Cover Sheet**

Laudes Grant Reference No. GR-071407 Partner name: Solidar Suisse (lead partner) Additional partners: C. CAWDU, CATU, and CENTRAL Consultancy support: Union Aid Abroad APHEDA Geographical Reach: Cambodia Total grant value: EUR 812'000 Co-financing by Solidar Suisse and other sources: EUR 234'750 Grant award date: 17<sup>th</sup> August 2020 Grant duration: August 2020–December 2024

#### 2. Objectives and Adaptations

#### **Objectives**

To empower local grassroots unions by enhancing their ability to access, analyse, and use publicly accessible data, with the goal to strengthen their negotiating power, leading to improved working conditions and social protection for garment workers in Cambodia. However, as the project evolved, its scope expanded to go beyond improving working conditions and social protection, and encompassed a broader range of systemic issues such as freedom of association, the rights of trade unions; and the importance of worker participation in data creation, validation, and utilisation.

Two independent unions, namely, Coalition of Cambodian Apparel Workers' Democratic Union (C. CAWDU) and Cambodian Alliance of Trade Unions (CATU) are the key implementing organisations in Cambodia; whereas the NGO CENTRAL provided technical and research support until 2022. The project began to utilise the ILO Better Factories Cambodia (BFC) dataset in the first phase, and it was observed that the data had limitations in terms of its accessibility and accuracy for trade unions, thereby hindering its usefulness. Subsequently, the second phase focused on enhancing the quality of BFC data by regular advocacy and engagement with ILO, as well as encouraging unions to take a bottom-up approach to evidence by data collection on working conditions in their own workplaces leading to meaningful evidence-based negotiations. Advocacy played a crucial role, both from the ground (at the local factory levels) and at the top (BFC in Cambodia as well as ILO Better Work Global in Geneva) ensuring that the unions were able to bring the voices and needs of workers to light. As this report will show, working conditions improved in nearly all cases (especially in factories with the performance improvement consultative committee- PICC). More importantly, the advocacy could potentially influence data access, accuracy, and ILO Better Work's engagement with unions across all countries where Better Work operates.







## Adaptation:

- The project's inception in 2020 coincided with the COVID-19 crisis, necessitating significant adaptations. The pandemic severely disrupted global supply chains, leading to factory closures and job losses. C.CAWDU assessed the risks posed by COVID-19 to take significant mitigation measures. Progress on the project slowed down due to uncertainties on the ground with surge in cases and the ensuing restrictions (curfews, lockdowns, inter-provincial travel bans, limits on gatherings). Capacity building workshops and meetings with local trade union leaders and members to collect key CBA demands, evidence, and documentation at the factory level could not be conducted during this period. Union partners adapted by initiating virtual training sessions and remote monitoring. Trade union members submitted their demands and evidence to a mailbox near their workplace for the local union leaders and activists to retrieve, and review with C. CAWDU staff.
- As federation level unions could not frequently go to factories due to lockdown restrictions, workers and trade unions at the factory level began collecting and continuously monitoring their own data, documenting evidence, following up on issues raised, and providing a more accurate representation of their actual working conditions. Even with limited technology skills, workers were not only accessing the technical ILO-BFC portal, and analysing its gaps, they were also creating their own data as counter-narratives, challenging management's data with their own findings. In their direct engagement with management, they began presenting evidence (such as photos and videos) at the Performance Improvement Consultative Committees (PICC) meetings and demanding action for resolving the issues.
- As Better Work assessment reports on factories are used by buyers and brands to make their sourcing decisions, the scope of the project was expanded to get workers to think critically on a broader level of issues that went beyond wages and working conditions, to include topics that are in the 52 criteria of Better Work, such as freedom of association, rights of trade unions, as well as the relevance of workers participation in creation, validation, and utilisation of data, and workers' role in advocacy for having a say in data that is created about the status of their rights in their factories.
- Seeing as Better Work data was utilised by unions in other Asian countries, such as Indonesia, the objective of the project further expanded in scope to include joint regional advocacy by unions in both countries, towards the ILO and other actors. The project held regular exchanges among labour rights organisations and stakeholders in Cambodia and Indonesia, for shared learning and building cross-border solidarity.

## 3. Results

## Short summary of key achievements

- Outreach (direct): 6518 workers in 66 garment factories in 8 provinces of Cambodia, of which 50% were women workers
- 47,280 New members joining unions: C. CAWDU organised 29,593 new members (25154 F, 4439 M) in 44 factories, and CATU organised 17,687 new members (80% women) in 22 factories.





- Empowerment of grassroots factory-level trade unions: Trade unionists at the factory level earlier relied on the national leadership at the federation level to engage in collective bargaining negotiations with the factory management. After the project started and trade unionists at the factory level learned to use the BFC database and learned the importance of making evidence-based arguments in the PICC every 2 months, their capacity was built and they began to directly and efficaciously negotiate for improvements in the factory, with only minimal involvement from the national federations.
- Broader outlook of trade unions: The project helped broaden the horizons of trade unionists (both at grassroots factory levels as well as national federation levels) to think critically on a broader range of issues that went beyond wages, to now include working conditions and other topics in the 52 criteria of Better Work, such as freedom of association, rights of trade unions, gender, occupational health and safety, among others. Workers are now increasingly taking up issues of climate change adaptation as well. It encouraged them to assert their right as equal participants who deserve to be consulted as key stakeholders in the process of data creation, validation, utilisation, and emphasising workers' active role in advocacy for having a say in data that is created about the status of their rights in their factories.
- Optimised utilisation of the PICC platform: As a result, the quality of union leaders' participation has improved in factories with existing PICCs, leading to concrete workplace improvements. Although the PICC's mandate is to improve factory performance and productivity, trade unions have effectively leveraged it to advocate for better working conditions, linking these improvements to higher productivity, ensuring management takes action. This platform of PICC has become a venue for direct dialogue between union representatives and management, a forum that previously did not exist. Notably, despite the multiplicity and competition among various unions in the same factory, they come together in this PICC platform to discuss workplace issues with management, giving way for more cooperation on a day-to-day level among different unions at the same workplace. Given that the space for TUs is seriously and rapidly shrinking in Cambodia, against the broader backdrop of massive per capita debt to MFIs, this platform is among the few that facilitates engagement among trade unions and management at the grassroots levels. The national level federations also learned from these developments at the grassroots levels, and changed their mindset about BFC data— from thinking that it was not very useful to appreciating the value it could have in sparking and sustaining dialogue among unions, management, and the ministry of labour.
- Utilising data is powerful for unions: Trade unions now confidently respond to management questions and arguments, using data and evidence. Earlier, trade unions would be caught off-guard by follow-up questions from the management, and they would go silent or not have sufficient information to respond back with concrete evidence-based counterarguments. Getting comfortable with datasets, and getting into the habit of utilising data has been a powerful experience for trade unionists, who now respond back to management's questions confidently while standing firm in their demands. The growing engagement between factory-level unions and management through PICC or otherwise, has improved social dialogue at the grassroots level. Workers, once making excessive demands without considering factory constraints, now approach negotiations with a broader understanding and outlook. In response, factories recognise this shift and are more likely to fulfil workers'





needs as their arguments are linked to improved productivity. Given the challenging political climate that makes sectoral dialogue difficult, the progress in constructive factory-level negotiations is a key achievement— demonstrating that real change can occur at the ground, even while the national level picture may look bleak. Federation leaders who once dismissed BFC data as inaccurate have begun to actively use it to drive discussions due to the project.

- Women's leadership: Cambodia's garment sector employs around 918,000 workers, of which around 85-90% are women. A majority of the women garment workers are migrants from rural areas and belong to agricultural families that are reeling under landlessness due to microfinance debt. In order to repay these debts, women garment workers from the countryside get wage work in garment factories spread across Cambodia. As a result, we notice that the vulnerability is inbuilt in the life of a woman garment worker, even before she steps into the factory. Speaking up on issues of inequity, wage theft, sexual harassment, lack of rights and protections etc. is often avoided by them, and participation in unions is considered risky, due to the real threat of being fired or constantly intimidated, thereby losing the only source of income that can guarantee monthly repayments of MFI loans. Given this background, it is impressive to note the growth of women's membership and leadership in trade unions that have been part of this project. Historically, the leadership of garment workers unions in Cambodia has largely been male. In the factories where the project was implemented, we noticed a meteoric rise in the participation of women in trainings, workshops, and reflect sessions; even though accessing complex data on a website seemed daunting at first. They were consistent and regular, they asked questions freely, and articulated their comments and assessments critically. This galvanised women's leadership at the grassroots factory level— not just in numbers, but also in terms of their confidence to speak up. Women leaders are now advocating on a broad range of issues and diverse topics and interconnected issues like OSH and heat stress that affect all workers, in addition to issues like maternity leave and sexual harassment at workplace. They have become agents of change, continuously pushing factory-level unions to address a whole spectrum of workplace issues including climate change adaptation topics, even if their federations downplay them. This shift is especially significant given the current and rising crisis of debt in Cambodia, as mentioned earlier. Yet, we see a shift at the grassroots level with more women leaders at the factory level. Interestingly, this development has not yet translated into changes at the national federation level where leadership is still more male-dominated.
- Climate change adaptation now a key priority at the factory level: Trade unions at factory level are increasingly raising issues about rising heat at work, lack of cooling and ventilation at workplace, and demanding installation of temperature measurement tools, proper cooling systems, adequate ventilation, appropriate roofing, and cool drinking water. There is a visible shift in the profile of demands made by unions, which now integrate climate-change adaptation demands more tangibly in their negotiations for improvements in working conditions, particularly around the issue of heat stress. Workers have reported a number of health problems caused by heat stress, including heat stroke and cramps, heat exhaustion, dizziness, nausea, hospitalization and even death. Women workers and trade unionists at the grassroots factory level have regularly highlighted climate-impact topics in the recent years in the framework of workers' rights at the workplace; intersecting gender, climate, and labour issues, demanding and advocating for urgent solutions. Pregnant and menopausal women workers suffer worse due to



rising heat. Men's health is also impacted by heat stress, as workers mention that it contributes to issues such as male infertility. Workers have been combating initial pushback from the management to these demands, citing costs as the main reason—for example: some factories did not want to install cooling systems in order to not increase their electricity costs, as electricity in Cambodia is more expensive compared to the neighbouring countries. Workers have also been reproached for taking too many toilet breaks, as they drink more water to stay hydrated due to excessive heat at the shopfloor. Trade unions at the factory level have taken up these issues during the PICC meetings, and in most cases the factory managements has ceded to these demands (even though reluctantly) resulting in improvements like better roofing, ventilation, cooling systems, and clean cool potable drinking water in several factories. In addition to heat stress, workers and trade unions are now also discussing the impact of extreme weather events due to climate-change, such as increasing instances of flooding that lead to disruptions and sudden loss of income.

Freedom of association now a key priority at the national federation level: Noting the shrinking democratic space for civil society actors in Cambodia, the excessively reduced power and scope of the Arbitration Council (AC), amendments of laws as well as introducing of new laws that reduce the rights and protections of workers and trade unions, and the systemic unrelenting harassment of labour activists and organisations that uncover the grave violations of international core labour standards (even those enshrined in the Cambodian labour law) present a grim picture for freedoms of workers and trade unions. As a result, the federations at the national level (and in turn the confederations that they are affiliated to) have had to prioritise the issue of freedom of association at the national and international level, reflecting a move towards addressing the broader landscape of shrinking democratic space for Cambodia's labour movement. Though the project has witnessed a worsening of democratic space, we also note the strengthened resolve of trade unions to continue their fight to safeguard this space for their rights, sparking off regional-global solidarity by building links with various networks, forging new alliances, representing the voice of Cambodian trade unions at various platforms and with a diverse range of stakeholders. This includes utilising Solidar Suisse's representation at the International Labour Conference's (ILC) Committee on the Application of Standards (CAS) forum, where Solidar Suisse (as part of the Swiss workers' delegation to the ILC) regularly speaks on behalf of Cambodia's trade union situation in the tripartite forum, particularly when Cambodia is double-footnoted<sup>1</sup> for violations of ILO conventions. Cambodia has been double-footnoted in the ILO CAS in 2018, 2022, 2023, and 2024. Solidar Suisse made contributions to the ILO CAS on Cambodia case on behalf of trade unions in all years, except 2018. The monitoring findings and the work done in the project by implementing partners C. CAWDU and CATU, with support from APHEDA in Cambodia, was instrumental in drafting/presenting Solidar Suisse's inputs at the CAS. Freedom of Association will continue to be the key priority agenda for independent unions at the national federation levels in the years to come, and the project has contributed in a major way to consolidating the work on this topic.

<sup>&</sup>lt;sup>1</sup> A "double footnote" in an ILO CAS (Committee on the Application of Standards) refers to a special notation indicating that a government is required to provide detailed information to the International Labour Conference regarding the application of a specific convention, essentially requesting a more comprehensive report on the matter beyond the standard reporting process; this is considered a more serious request compared to a single footnote which might only ask for an early report on a convention. Cambodia has been double-footnoted in the ILO CAS in 2018, 2022, 2023, and 2024. Solidar Suisse made contributions to the ILO CAS on Cambodia case on behalf of trade unions in all years except 2018. See here the 2024 contribution made by Solidar Suisse at the ILC CAS forum (pp.33-35): <u>CAN/PV.4 (Cambodia / C.87)</u>





Improvements in working conditions in non-BFC factories: Due to the constant training and capacity building work of trade union federations with all their grassroots affiliates— not just those included in the scope of the project— the workers learned to document the gaps in working conditions that needed improvement in their respective factories, further documenting each step they took with the management to address these gaps, monitoring the progress, and the final result of this process (with before and after documentation of improvements made or not made). All this occurred in factories that were not members of the BFC database, and therefore did not have the PICC structure, nor were the managements obligated to pay heed to the workers/ trade unionists' demands. However, upon receiving these demands, managements in some factories proactively began to check the BFC database and noticing the ratings of other factories listed in it. Due to the assertiveness and systematic approach of trade unions in going about demanding improvements in working conditions, positive changes occurred in most cases. This denotes the clear correlation between the power of worker-led monitoring and improvement of working conditions, due to the emphasis on evidence-based demands and negotiation. In an unexpected positive consequence of the project, employers too are better-informed now than they were before, as they cross-check data with BFC database. It must be noted that this is the case only in unionised factories where independent trade unions affiliated to C. CAWDU and CATU exist. While the long-term future of BFC is uncertain, this encouraging progress is likely to continue. It also buttresses the important role of independent trade union federations like C. CAWDU and CATU in building capacity of their affiliates and creating a space for critical discussions with them.

Provide final rating for rubrics and brief narrative justifications, with disaggregated evidence by gender, sex, socio-economic background, where appropriate and feasible

### Initiative Quality Snapshot

Rubric	Previous	Current	Current rating justification
	Rating	Rating	
A1. Design addresses the important issues and/or needs	Partly Conducive & Partly Supportive	Conducive & Supportive	The design of the project was well-conceptualised, with a clear goal and a comprehensive approach. It embedded learnings from the first phase and prioritised addressing the needs of garment workers by utilising publicly available BFC Data for evidence-based bargaining. Despite operating in a challenging political environment characterised by threats, intimidation, and arbitrary arrests of trade unionists, the project has not only demonstrated a strong track record in achieving its desired objectives but also exceeded its original scope. It has managed to build a strong platform for union engagement with data and factory management, bridging a crucial gap that previously existed. Workers are increasingly recognising the value of data in shaping



			their conditions and are taking ownership of the process, leading to a fundamental shift in their mindset. Our first-time partner CATU faced administrative and organisational issues initially, due to shortage of skilled workers willing to take positions within trade unions and labour organisations. However, through successful recruitments and getting a large network of volunteers as organisers on board, CATU addressed this gap and ensured the project ran smoothy. Our other implementing partner C. CAWDU also experienced brief internal strife due to the results of its 2023 Congress, and in the following year 2024, the Congress of Cambodia Labour Confederation (CLC) leading to factionalising. Kong Athit was elected as the president of both C. CAWDU and CLC, and under his leadership, both organisations are undergoing much-needed reform, particularly in the areas of transparent governance, prioritising women's leadership at all levels, and emphasising regional advocacy. Despite the intermittent ups and downs, the project activities proceeded smoothly under K. Athit's leadership of C. CAWDU. We faced communication and reporting challenges with CENTRAL, that led to the termination of our partnership in 2022, however the project's core activities and timelines remained unaffected. The 'shadow report' by CENTRAL, highlighting violations of Freedom of Association (FoA) at factories and contrasting them with BFC data, received strong backlash from the government and pro-government unions. However, in this process it also gained international support, bringing global attention to these violations and contributing to the broader labour movement in Cambodia. We remain in close contact with CENTRAL, and have committed our support to them in the case against them by the government.
A2. Implementation is inclusive, enabling, empowering and capacity- enhancing	Partly conducive	Conducive	Several key actors, stakeholders, and structures have been included in the scope of the project. 6518 workers (50% women) from 66 factories in 8 provinces of Cambodia have been direct target groups of the project. Among them, the trade unionists at the factory level as well as the federation level have undergone intensive sessions, meetings, reflection workshops, as well as strategy discussions. Utilising data has been empowering for workers. They are bringing up many issues with the transparency portal and critically discussing them amongst each other, which points to their engagement with the data as well as the value they place in demanding its accuracy and fair representation of their lived reality. This process has instilled a deep sense of confidence and agency to voice out their concerns.



Of particular interest is the active participation of women workers at the factory level in the activities of and through the project. There have been larger numbers of women in leadership positions in trade unions at the factory level, and they have been confidently speaking up in PICC meetings, as well as meetings with different stakeholders such as their federations, the BFC, global union federations (GUFs), trade union solidarity support organisations (TUSSOs) etc. Women leaders are now advocating on a broad range of issues and diverse topics that affect all workers such as OSH, benefits, heat stress, in addition to issues like maternity leave, and sexual harassment at workplace.

At the national level, the BFC team at the ILO in Phnom Penh has been connected with the project implementing partners C. CAWDU and CATU, who have initiated regular dialogue with BFC and have coordination meetings every 3 months. The 'Union contact group' and consultations during preparations as part of the pre-PAC meetings, adds another critical layer for discussion. These joint meetings have created a valuable platform for fostering productive discussions with other unions and maintaining a constructive relationship with BFC. As a result of advocacy with BFC and Better Work Global, there have been improvements in making the portal more accessible and simpler to navigate.

The Project Advisory Committee (PAC) was also another important tripartite structure of the BFC for the project to focus on. Previously, representation of independent unions within the PAC remained weak. Only two out of five union representatives in the PAC are from independent unions. The dilution of the independent unions' voice prevented the final BFC data from accurately reflecting real conditions of workers and working conditions in the factories enlisted in the BFC dataset. With the appointment of Kong Athit in the PAC in late 2024 (in his capacity as the president of the Cambodia Labor Confederation- CLC) it appears that this situation may change. Considering that only two out of the five union representatives in the PAC are from independent unions, this development is a positive step towards ensuring workers' voices are genuinely represented in this forum. The project will support the independent union members' representation in the PAC, by providing briefing notes based on literature review and monitoring findings of the project.



			The PICC platform has been a gamechanger for factory level unions, where trade unions and factory management come together every two months to discuss and improve upon issues that hamper performance and productivity. There has not been a platform like this before, and unions now understand the importance of utilising it for asserting their collective voice for a broad range of issues and demands. With capacity building done through the project, trade unionists are more active in the PICCs, raising concerns about OSH, heat stress, verbal discrimination and inappropriate language from management, overtime pay, fixed duration contracts (FDCs) etc., most of which have been successfully addressed by factory management. Prior to this, both sides had an accusatory tone towards each other leading to a dead-end in most cases, and now the PICC platform which mandates the factory managements to engage with trade unions regularly (in order to maintain their rating in the BFC database to ensure orders from buyers keep flowing in) has given way to a more cooperative approach and tone, leading to a more constructive dialogue which in turn results in concrete improvements in working conditions, though slow progress on others (FDCs, freedom of association).
A3. Monitoring Informs adaptive management	Partly Conducive	Conducive	Regular monitoring and frequent communication, discussions among project team about monitoring findings have greatly informed the tracking and steering of the project. In the changing landscape of labour rights in Cambodia, context monitoring has been given special emphasis, and together with the project implementing partners, it has helped us be agile to pivot in times when the situation became too dangerous and restrictive for the project to achieve its results. Our project partners and coordinator have been actively monitoring the BFC portal and suggesting improvements to BFC. They are identifying discrepancies between factory data and actual working conditions, but are actively monitoring the situation, collecting evidence, raising these issues and following up with the management.
			Unions have also been maintaining a constructive dialogue with BFC leading to minor improvements in the portal interface and an openness from BFC in addressing the issues. Solidar Suisse also has been consistently conducting advocacy with Better Work Global in Geneva. During the most recent advocacy mission to Switzerland, Solidar Suisse together with representatives of C. CAWDU and CATU met with Better Work Global in Geneva to present the



achievements of the project, and highlight the key issues with the BFC transparency portal, advocating for reform in Better Work Programme overall, to make it more inclusive of workers and trade unions participation. Better Work Global also acknowledged certain shortcomings in the portal and were open to taking feedback to improve. Furthermore, we also presented the project achievements and our demands from Better Work to external stakeholders in Brussels such as IndustriALL global union, International Trade Union Confederation (ITUC), and the EU Commission; as well as the Swiss State Secretariat for Economic Affairs (SECO) in Bern, Switzerland— as these actors have a seat in the advisory committee of the ILO Better Work programme.
with 47 trade unionists <sup>2</sup> (25F, 22M) provided an opportunity for deeper reflection and learning, uncovering the subtler processual aspects of the project that were not always captured in written reporting. This workshop was important for facilitating peer exchange among factory level trade unions spread across different provinces (and therefore never having met each other before) learning and sharing with each other, and developing bonds of solidarity along the way. It also helped greatly in Solidar Suisse's preparations for the subsequent advocacy mission to Europe in the following months. We plan to facilitate similar exchanges among factory-level unions in the exit phase of the project, to strengthen the learning-sharing experience and solidarity building among the unions, as well as to gather more insights on the efficacy of the BFC programme.
The shadow report released in June 2024 by our former partner CENTRAL (titled ' <u>Barriers to</u> <u>Representation: Freedom of Association in Cambodia</u> ') involved interviews with union leaders and representatives from 14 BFC-registered factories to monitor their workers' ability to access and understand BFC public data and evaluate the accuracy of publicly available compliance reports concerning FoA criteria. While the report was perceived differently by various stakeholders, it underscored the stark contrast between workers' realities and the reported data.

<sup>&</sup>lt;sup>2</sup> The workshop had 47 participants from local and national level trade unions. There were 36 grassroots factory-level participants (21F, 15M) from 24 factories in four locations of Kompongspeu province, Kompongcharm province, Kandal province, and Phnom Penh. In addition, there were 11 national federation level participants from C. CAWDU and CATU (4F, 7M) at this workshop held in Phnom Penh in Nov 2024.



A4. Communication promotes internal and external collective learning	Conducive and Supportive	Conducive and Supportive	The learning circles, facilitated by Laudes Foundation, bringing together unions from Bangladesh, Indonesia, and Cambodia, and the exchange between PAC members from Cambodia and Indonesia offered a valuable platform for sharing knowledge and experiences related to their engagement with Better Work data. This sharing helped inform negotiation strategies and facilitated the planning of potential collaborative solutions. The Joint Statement, an output of one such collaboration among Cambodian and Indonesian unions demanding 4 key improvements from Better Work, also played a significant role in opening channels for continued communication, facilitating both the redesign of the portal and increased responsiveness from BFC to union concerns.
			Recognising the varying levels of worker engagement and progress in data quality and transparency across Better Work programmes, such communication platforms play a crucial role in identifying and promoting best practices, particularly in countries where less progress has been made in terms of engagement and data improvement. We also plan to utilise such exchanges to develop linkages with trade union in countries where Better Work programme exists, fostering cross-border solidarity among trade unions and labour organisations. By leveraging the Better Work framework, we hope to establish solidarity among garment workers in exporting countries.
			Solidar Suisse also published an article in the Global Labour Rights Reporter journal, produced by the International Lawyers Assisting Workers Network (ILAW), and a <u>blog post</u> on the Business and Human Rights Resource Centre. These publications shared insights from our project and work with BFC, highlighting opportunities for action, advocacy, and leveraging organizing strategies in Cambodia. Additionally, at the TUSSO-GUF meeting in November 2024, which focused on assessing the current situation, identifying trade union needs, and developing shared strategies for collaboration, Solidar shared key learnings from our project with BFC.
			In December 2024, Solidar met with the Head of Cooperation at Swiss Development Cooperation (SDC) in Cambodia, to brief him on our project and explore potential support for our work with garment workers and BFC. Furthermore, the advocacy in Switzerland (ILO, SECO) and Brussels (EU Commission, ITUC, IndustriALL, and MEP Lara Wolters) brought visibility to the key achievements of the project, buttressing the importance of having platforms such as BFC— even



			with all its inaccuracies and challenges— for workers and trade unions in countries with highly repressive environment for labour rights. Our communications with the EU Commission and Members of Parliament centered on knowledge-sharing and utilising the best practices from this project to inform the implementation of instruments such as the imminent EU corporate sustainability due diligence directive (EU CSDDD).
A5. Organizational and Network Capacity	Conducive	Conducive	Solidar Suisse has ably managed the project despite the pandemic related restrictions, as well as transitions and personnel changes in the organisation. The organisational and network capacity of both C. CAWDU and CATU has been strong and is continually improving. The presidents of both federations, Kong Athit and Yang Sophorn respectively, have provided strong leadership throughout the project. Their contributions extend beyond the project activities, to address the broader context of labour rights in Cambodia. Several factories closed down in Cambodia in the period 2020 and 2021 due to COVID-19 pandemic, leading to plummeting of union memberships of C. CAWDU and CATU. However, both federations have tirelessly worked towards organising more workers despite facing challenges like union busting, intimidation, dismissals, administrative hurdles of registering unions etc. CATU implemented a successful organising strategy by mobilising local union leaders and activists as volunteer organisers, enabling broader engagement with workers across different provinces. C. CAWDU has organised 44 factories with 29,593 workers and CATU has organised 22 factories with 17,687 workers (80% women). Both unions also hired additional staff to support and ensure smooth implementation of the project. CATU has been steadily strengthening its organisational capacity by streamlining the collection of membership dues, setting per diem standards, and establishing regular communication channels with workers. These steps have streamlined financial governance, ensured fair and transparent resource allocation, and improved their engagement with members. Our consultant, Veasna Nuon, Country Director of APHEDA in Cambodia, has been instrumental in advising on context monitoring, and guidance on project steering based on monitoring findings, and advocacy. He has served as a resource person and advisor for Solidar Suisse as well as for C. CAWDU, CATU, and CENTRAL, helping them address key organisational challenges. His contributions have been piv

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for the exit phase. He has also been actively involved in training our partners for advocacy initiatives as well.
Despite internal changes in staff at Solidar Suisse, the project proceeded seamlessly. A full-time advocacy officer was hired in August 2024 to support the unions' bolster cross-border solidarity, as well as to lead regional and global advocacy of the project.

## Outcome situation snapshot (Selected early/later changes and 2025 outcome rubric

B4. Worker and producers voice are taken into account in	Partly conducive	Partly conducive	<u>1. Specific changes that have happened (referring to the specific changes listed in the original rubric)</u> Specific change expected: By the end of 2024, Better Work implements recommendations
decision-making			Specific change result: Partly achieved. By the end of 2024, Better Work implemented some of the recommendations, but not all.
			The five demands presented to Better Work were:
			<ol> <li>Improve accessibility of data for workers by creating a mobile app and mobile optimisation of the website</li> <li>Make data and reports available in local languages</li> </ol>
			3. Publish an expanded set of data for Cambodia



4. Publish more details on the findings for each factory

5. Allow workers to engage equally with the system

The website of Better Work was optimised, but a mobile app was not created. However, accessibility of the mobile website for workers was improved as the data on ratings was made available in local languages. The reports are still not made available to the trade unions. Besides, data for Cambodia still shows ratings on 21 critical criteria, and not on all 52 criteria. It is not clear whether more details on findings of factories have been revealed in the assessment reports, as trade unions and workers do not get access to these, but only factory managements, brands, and buyers do. Workers are engaged in the Better Work system more than they have been in the past, but their engagement is not equal as compared to the employers and government. Here too, we note that workers and trade unions engagement with BFC is now much deeper and more frequent, which has led to successful collaborations on some cases, and sensitisation on both sides.

The transparency portal has undergone some technical improvements and fixes, due to the advocacy by the project. After the joint statement highlighting major issues with transparency portal was submitted to Better Work and its advisory committee, BFC took steps to improve accessibility, incorporating workers' input into the redesign of the portal, and sought our feedback on the new interface. With this constant engagement, workers are now able to access BFC data in their local languages. Better Work even shared a mock-up of a mobile app with Solidar Suisse and its partners. While these changes have been encouraging, workers still struggle with navigating the database, as factory names remain in English.<sup>3</sup> Furthermore, the recent integration of all transparency portals into a single website has added even more complexity— requiring multiple steps and clicks before reaching an actual factory report, which was easier before when BFC was a standalone website.

The real transformation has occurred in the area of dialogue and engagement across a host of stakeholders vis-à-vis the unions. At the factory level, trade unions of different affiliations attend the PICC meetings with the management and utilise this platform for raising all types of issues related to work and working conditions, as well as freedom of association, climate change

<sup>&</sup>lt;sup>3</sup> Better Work states that this is due to the different ways in which company names are written in the Khmer script, and that for the factories to be in the BFC database they need the accurate names as per the registration. To avoid the confusion and keep it clear and uniform, BFC decided to keep the integrity of the names intact by keeping the list in English



adaptation, and gender. At the BFC level, national level federations are more in contact and well- connected with BFC, deepening their interaction and engagement. Federations are also engaging in regional advocacy and bringing attention to the issues of freedom of association vis-à-vis trade union freedoms in Cambodia.
As more workers have started to engage meaningfully with the data and are able to see its impact, the quality of union leaders' participation in PICCs have improved substantially leading to concrete improvements in working conditions in factories. In fact, factories with PICC show more concrete improvements than those without PICC. Initially, during the PICC meetings, workers did not raise any issues and these meetings (every 2 months) were mere formalities. But now, trade unions at the factory level are active participants and use this platform to advocate for better working conditions.
Dialogue between BFC and implementing partners (unions) has improved, becoming more regular and constructive. There are regular meetings between BFC representatives and both union partners every quarter, and BFC representatives attend the national conference organised by CATU every year. In this spirit of collaboration, BFC has facilitated 26 cases submitted by C.CAWDU to Ministry of Labour and Vocational Training (MoLVT) and Ministry of Commerce.
During the first few years of the project, PAC members' contribution to BFC for improvements was limited and weak. This has changed slightly in the recent past, since Kong Athit has become the president of CLC and subsequently, one of the two independent union members in PAC. As the president of C. CAWDU, Athit is better positioned to represent garment workers' interests at the PAC. In his first PAC meeting attended by Kong Athit recently, he raised the issue of accessing assessment reports by workers, and requested clarity on the process of interviews during advisory versus assessment processes. This demand goes straight to the heart of making data transparent and accessible for trade unions, starting with understanding how the process of assessment and advice occurs.
During our advocacy mission in January 2025 to ILO BW Global in Geneva, Solidar Suisse and a trade union delegation from C.CAWDU and CATU met with Sara Park (Head of Partnerships, Advocacy and Communications) and Anne Ziebarth (Legal Specialist) to present the findings and achievements of the project and raise key issues regarding the portal. They welcomed the results



and feedback from the project and acknowledged that reform is needed in Better Work. In addition to Better Work Global, we also separately met with its advisory committee members, SECO, ITUC, and IndustriALL, who are well-placed to present their views on the efficacy of Better Work programme, with voices from the ground.
The bigger issue of availability of assessment reports to workers and unions for validation of findings, is yet to be addressed. Better Work has maintained that they are unable to make the assessment report available to the unions, for a variety of reasons, but we continue to demand this change. Secondly, since the first days of the BFC in Cambodia 24 years ago, the environment for workers and trade unions to exercise their rights and freedoms has changed drastically. ILO, through its BFC programme, needs to take up systemic issues of violations of labour rights and trade union rights, which it has so far not done.
2. Reflect on how substantial and valuable the changes are
To start, let us consider this. Cambodia has the world's largest per-capita debt in the world. As of August 2024, microfinance institutions in Cambodia have provided loans totalling over USD 5 billion. <sup>4</sup> Additionally, the four licensed deposit-taking institutions (LOLC, Mohanokor, Amret, and AMK) collectively hold about USD 2.2 billion in deposits from approximately 2 million depositors, 67% of whom are women. <sup>5</sup> These data are alarming for a country with a population of 17 million people. Climate change has adversely affected agriculture and fishing sectors in the recent years. When individuals and families in the countryside take loans from MFIs and are unable to repay them, their lands and homes get confiscated as collateral. In order to prevent that from happening, it is crucial to make monthly repayments of loans without defaulting. The youth in these families, particularly young women, are sent to cities and other provinces to work in garment factories, so that there is a stable income every month, which ensures regular monthly loan repayments. Any obstacle that threatens this arrangement can bring severe hardship for their families back home, with landlessness, homelessness, and pauperisation as the main impacts. Garment workers

<sup>&</sup>lt;sup>4</sup> NBC taking on microfinance challenges; \$5B out on loan, The Phnom Penh Post, 04 November 2024

<sup>5</sup> Ibid.



therefore do not take the risk of complaining against all the workplace issues they face, mainly due to this debt trap where vulnerability is inbuilt. Furthermore, the tightening of surveillance on trade union activists taking up issues of workplace rights, the worsening instances of union-busting, and the systemic destruction of legal rights and protections by the government, all contribute to intensifying the fear of retaliation when the labour movement takes a firm position on demanding workers' rights. It is in this context that one must evaluate the victories and successes of the factory level trade unions as well as national level trade union federations that have been part of this project. Secondly, Cambodia's economy relies heavily on garment exports. In 2024, the country earned approximately USD 14 billion from exports, of which a whopping USD 10 billion came from the garment sector. These numbers are not to be taken lightly, and it is therefore important that the workers that are creating this wealth for Cambodia have rights as per international labour standards.

BFC assessment reports and ratings about factories are the basis for brands and buyers to make their sourcing decisions. Before this project started, workers and trade unions, especially at the factory levels did not know this (the federation level were only marginally aware of it, and rejected the data when they were first exposed to it, citing blatant inaccuracies and concluding that it was merely a 'whitewashing' attempt to make factories seem better in compliance than they truly were). Through the project's emphasis on utilising public data by workers and trade unions to engage in evidence-based collective bargaining for better working conditions, not only were unions made aware of the data, but they utilised it as a platform for dialogue with their respective factory managements. Until now, this had been a chequered process at best, where those in power always won, and workers and trade unions were expected to make do with what was decided for them by others.

The process of learning about data that exists on their factory's compliance regarding working conditions and rights, challenging it, critically questioning the process of data collection-analysis-validation, utilising data from BFC for negotiations with management, and conducting own monitoring of working conditions in their factories, has been an overwhelmingly empowering. The aspect of peer-learning needs to be especially emphasised here, as the trainings on BFC data access provided workers and trade unions from the same factory to engage in a shared learning process, touching on various aspects such as critical thinking, articulation in a critical yet problem-



resolving manner, cushioning all arguments in the framework of rights. Most importantly, their dependence on national level federations to speak on their behalf, reduced substantially. Factory level trade unions built on their incremental successes; they got more confident with each PICC, preparing in advance for these meetings as a group, systematising their own monitoring of working conditions and getting into the habit of documenting the process of resolving each gap/violation, and creating a culture of democratic governance within the union as well as cooperative performance improvement discussion with the management. These skills that they imbibed through the course of the project, will stay with them. They will be capable and ready to utilise these skills, as well as their habit of engaging with data on compliance topics, regardless of which dataset they are exposed to (BFC or others). We consider this a powerful and valuable change at the grassroots level, which is slowly opening up the opportunity for systematic dialogue among unions and management at the factory level. Recognising the diverse range of topics that have been taken up by the factory-level unions also further encourages the national level federations to follow suit, whether it is in the area of climate-change adaptation, increasing the numbers and roles of women leaders in unions, advocacy at the national/regional/global levels to inform of these powerful change on the ground, and continuously striving for improving the situation of freedom of association in Cambodia.

## 3.Reflect on your initiative's contribution to these changes

In the scope of this project, currently 18 factory unions affiliated to C. CAWDU, and 6 factory unions affiliated to CATU have pre-established PICCs. Through trainings provided by the project to trade unions for strengthening their representation capability in the PICCs, unions are also increasingly recognising the importance of their voice within PICCs. Armed with knowledge assessing and analysing BFC reports, PICC members are now more confident in presenting their concerns at the meetings effectively, as they are required to provide proper justification for the issues they raise.

The project's contribution was also seen when Kong Athit as the most recent member of PAC, during his first PAC meeting raised issues on the importance of releasing assessment reports to unions, in addition to highlighting issues that were discussed at the reflection workshop with factory-level trade unionists in November 2024. This development is new and encouraging, as the representatives in the PAC have so far been silent and passive in the meetings (and those who could



have provided their critical feedback were relegated to the 'titular' role as a substitute to the regular PAC members, which in gist means that they are not allowed to speak at these meetings).
Solidar Suisse also contributed to the literature on workers' access and role in data use, by publishing an article in the <i>Global Labour Rights Reporter</i> (a journal published by the International Lawyers Assisting Workers Network- ILAW) as well as a <u>blog post</u> published on the Business and Human Rights Resource Centre.
Both the PAC and the PICC are important structures within the Better Work programme, representing the voice of workers in the tripartite meetings. High-quality participation of independent unions in the PICC structure, and to some extent in the PAC, can at least partly be attributed to the project's interventions. The regular exchanges between unions and factory managements at the local level, and between BFC and national federation levels have opened up a space for a constructive dialogue, though this process can be contentious at times. Where initially it was management versus unions, and BFC versus unions, it has moved towards constructive dialogue among management and unions, as well as BFC and workers unions cooperating to try to resolve issues, which will continue to strengthen even after the project concludes. With PICC leading change at the factory level, and PAC at the sectoral level, using their position optimally, we hope to see broader industry-wide changes benefiting all workers in the garment sector of Cambodia.
The advocacy at regional level with unions in other Better Work countries (such as Indonesia) and at the international level with ILO Better Work Global, as well as with those in the position to advise Better Work Global i.e. SECO, IndustriALL, and ITUC among others, shows great promise in improving the tech-issues related to BW data and transparency portal, but also in a more meaningful reflection on the glaring gaps in its political position and approach as a workers' organisation, that need critical questioning and addressing. Representatives of C.CAWDU and CATU that joined Solidar Suisse in the advocacy mission with all these stakeholders in Jan 2025, spoke about the reforms required in the portal and more importantly, the importance of such a platform for workers and trade unions, despite its shortcomings. Workers have consistently maintained that, despite its flaws, having access to Better Work data is better than having no data at all, and having the PICC platform that mandates managements to talk to unions in their factories,



	<ul> <li>is crucial. Without this structure, there is a risk that it will go back to business-as-usual when managements do not have an incentive to engage with unions, and unions certainly do not wish for that to happen.</li> <li>The project's successes could potentially have far-reaching impacts in the long-term too, when stringent instruments being developed in the sourcing/consuming countries of the Global North (such as the EU CSDDD, the German HRDD, etc.) will be welcomed and effectively used by workers and trade unions at all levels in Cambodia. Those in charge of designing these instruments, and seeing to its effective implementation in producing countries along the supply chain, will also be sensitised and mindful of the difficult labour-rights landscape, and consider the importance of having independent unions utilise these tools, rather than just the yellow unions. Such insights have been shared by the project team and partners with ILO, the European Commission Directorate-General for International Partnerships (INTPA) and MEP Lara Wolters, as we stressed on the role that independent trade unions can play in ground-level monitoring on due diligence initiatives and instruments, drawing from the experiences of this project.</li> <li>The January 2025 advocacy mission to Europe and Switzerland was strategically timed by Solidar Suisse. Amidst growing uncertainty about the future of Better Work, with governments of countries funding the programme considering exits or handovers to advisory services and local structures, our program findings enabled us to advocate for maintaining the BFC programme in Cambodia for the many highlights that it produced, in part due to the project''s contributions. ITUC and IndustriALL mentioned their commitment to push for reforms in the subsequent advisory committee meeting of Better Work, and so did the EU Commission INTPA, as well as SECO. The MEP Lara Wolters found worthwhile our suggestion of leveraging BFC's monitoring mechanisms for the imminent CSDDD guideli</li></ul>
C4. Workers and producers claim rights	Image: style="text-align: center;">Image: style="text-align: center;"/>Image: style="



<ul> <li>More grassroots unions have increased skills and improved capacity on "evidence-based bargaining", and effectively develop stepwise evidence-based process for issue-based negotiation leading to bargaining and resulting in improved outcomes for workers: Achieved</li> <li>More workers have access to better social protection that includes- health benefits and direct services like access to food, protective equipment and sanitation. Achieved</li> <li>By the end of 2024, increased number of workers covered by CBAs, or negotiations, lead to improvements in workers' rights and conditions. Achieved</li> <li>By the end of 2024, more workers facing layoffs due to factory closures or suspensions receive support from the government, industry and brands. Achieved</li> </ul>
During the project period C. CAWDU and CATU have successfully enrolled 46,843 workers (34,560 F, 12,283M) under the national social security fund-NSSF <sup>6</sup> which is the main provider of basic social security to the workers in private sectors. To access these benefits, NSSF must have workers registered as members, collected the contribution, managed the NSSF finance, implemented and provided the benefits to the workers or beneficiaries. The latest governing body of the NSSF now includes the president of C. CAWDU, Kong Athit, and it is presumed that his inputs representing the interest of garment workers would have a positive impact on the rolling out of social protection to workers in Cambodia.
In the project period, which also included two years of strict lockdowns due to the COVID-19 pandemic, C. CAWDU and CATU cumulatively secured compensations amounting to USD 10,146,069.69 due to factory suspensions/closures, and unfair dismissals. This includes USD10,132,523.40 by C. CAWDU from 56 cases and 8,684 reinstated workers, and USD13,546.29 by CATU from 3 cases and 13 reinstated workers. The reinstated workers also includes union leaders who were unfairly dismissed.
Ongoing organising and unionisation is important for trade union movement to survive. C. CAWDU has organised workers in 44 factories with 29,593 new members (25154 F, 4439 M) and CATU has organised workers in 22 factories with 17,687 new members (80% women). Therefore, there has

<sup>&</sup>lt;sup>6</sup> The National Social Security Fund (NSSF) has responsibility for providing the basic social security to the worker in private sectors. NSSF has registered the members, collected the contribution, managed the NSSF finance, implemented and provided the benefits to the workers or beneficiaries.



been an increase in number of unionised factories than before. C. CAWDU has 12 factories with MRS status <sup>7</sup> and CATU is in the process of applying MRS in 3 more factories. With the increase in the number of factories holding an MRS, unions can initiate CBA negotiations at the factory level. MRS is crucial for effective bargaining and negotiations with employers, ultimately contributing to the project's goal of using public data to improve working conditions through negotiation.
As has been elucidated in the sections above, workers are now valuing the power of BFC data, using it not only to negotiate confidently with the factory management to demand their rights, but also creating their own documentation of working conditions and actively monitoring the situation after having been reported to the management. They are documenting, clicking pictures, following up, and monitoring the sustaining of improvements— in essence, they have inculcated that habit of utilising data, but also of realizing their own power and agency in creating workplace data pointing to democratization of data collection and analysis, and effective worker-led monitoring of working conditions. If the existing reports of BFC fail to reflect the true conditions on the ground, they are determined to address the gap themselves, with support from their federations.
In the past, when management questioned unions during collective bargaining negotiations, they often struggled to provide answers. In a personal anecdote, a long-time C. CAWDU officer and a former garment worker herself said, 'there was a time not so long ago when we would cite prices of gold, gasoline, and rice to negotiate with the management on the calculation for minimum wages which made the arguments seem weak and incoherent.' In other words, trade unions and workers lost massively to 'not knowing.' Through this project, in the process of learning about wages, as well as the 51 other criteria in BFC that together comprise the compliance requirements of a factory, workers and trade unions were exposed to the proper way of calculating wages, and what constitutes acceptable working conditions at the factory level. As they now regularly reference BFC data and reports, their demands come across as having a more credible basis; and are therefore effective as arguments. C.CAWDU has successfully negotiated 4 CBAs covering 14,490 workers (12,316 F, 2175 M) and is in the process of negotiating with 3 more factories— Gold Fame, Apple, and Run Shing. When faced with issues of workers dismissal in BFC affiliated factories, partners

<sup>&</sup>lt;sup>7</sup> MRS refers to 'Most Representative Status' which is attained when a union provides a list of due-paying members that are 30% or more of the total number of workers in factory (which in and of itself is not easy to achieve). This is assuming that its leaders and members do not get laid off, or continue to have their FDCs renewed.



have started to submit cases to BFC through official letters or QR code (initiated by BFC to submit complaints) and have achieved moderate success. Though most of the cases submitted are related to dismissals/reinstatement or compensation due to factory shutdowns, with growing understanding of critical criteria under BFC, complaints on discrimination by management, or change of FDC to UDC have also been submitted and addressed through this process.
With increased access to Better Work's 52 criteria, they have also broadened their outlook and moved beyond issues of wages and benefits in the negotiations, to include issues of gender-based violence and harassment (GBVH), abuse by employers, safety and security, freedom of association, heat stress, etc. For example, at T&K Garment Industry Co. Ltd., the union negotiated with the factory management to successfully address issues of disrespectful behaviour of the supervisors and OSH demands, whereas at the Guo Tai Hua Sheng Xin Feng Jing (Cambodia) Garment Co. Ltd., unions proactively incorporated gender equality demands into their CBA.
Rising heat is another key issue that is now increasingly gaining prominence in the trade union strategic agenda at the factory levels, particularly by women workers. The negotiations have been successful, as most factory-level unions present at the reflection workshop in Nov 2024 reported that their respective managements had made suggested improvements such as installing of cooling and ventilation systems, cool potable water access, better roofing, among others. Linked to this intersection of gender, labour, and climate is a significant result: more women are emerging as leaders at the grassroots factory level trade unions. They actively participate in PICC meetings, sometimes lead negotiations, raise a broad range of issues impacting all workers. Access to data and evidence has strengthened their arguments and bargaining power, and increased respect towards them from workers, union leaders, and managements.
2. Reflect on how substantial and valuable the changes are
The training process— where workers engage with data, ask critical questions, discuss with peers in a share-and-learn setting, and receive guidance from their federations— has been an enriching and transformative one. Workers integrate this knowledge into their negotiations and collective bargaining with the management, making it an ongoing practice rather than a one-time effort tied only to CBA negotiations every 2–3 years. The shared confidence-building process increases the



power of the entire group of participants that attend the trainings, workshops, and reflect sessions, in a collective space fostering critical sharing and a sense of ownership over their data. On a broader level, this process also represents democratisation of data. In the process of applying their knowledge and learning into action, they activate their agency to claim their rights. Today we are in the 'Age of Knowledge and Data' where information technology and data analysis are central to society and economy— often considered a progression from the Industrial Age— signifying a shift towards a knowledge-based economy. Data is political. Who controls the creation, withhold, allow, and use data, denotes who has power.
The changes created through the project are therefore valuable considering that these workers have full-time jobs with demanding targets, and a majority of them are steeped in MFI debts. Taking a stand, being critical, and making demands to claim their rights can have dangerous consequences ranging from harassment, unfair dismissals, stalking, violence, incarceration, and murder. Yet, as the project findings have shown, when workers have asserted ownership over data about their conditions and critically engaged with it, meaningful changes took place over and over again, in diverse contexts and regions.
There is also a change in the mindset of workers and trade unions, as they expand their understanding of what constitutes meaningful and lasting change. They are now recognising that their rights extend beyond wages and benefits to include fundamental aspects of workplace safety and security, protection from violence, to name a few. This change is crucial for the labour movement as it ensures that workers are not just reactive but proactive in shaping policies that create safer, fairer, and more dignified workplaces. This growing engagement between factory management and union leaders has resulted in a social dialogue that was almost non-existent before. Even the redressal of complaints signifies that if workers start to engage, changes occur. When workers witness firsthand the concrete benefits secured by all through collective bargaining (improved wages, better benefits, safer working conditions) their commitment to unions is solidified, which further helps in organising and increasing membership numbers.
3. Reflect on your initiative's contribution to these changes



Through project trainings and capacity building by our partners, workers are empowered to access, analyse, and utilise data for negotiations. Workers are more confident in articulating issues and raising them. In the duration of this project, C. CAWDU has trained and coached 4096 (1504F, 2592M) grassroots union leaders and activists, and CATU has trained 2422 (1600F, 822M) grassroots union leaders and activists. Initially, federations distrusted BFC data, as it did not always reflect ground realities. But with sustained engagement through the project, unions have shifted from disengagement to critical participation, and have inculcated the habit of monitoring.
The project has also provided crucial support to independent unions in Cambodia to build their membership, strengthen their organisational capacity, and effectively represent the voice of workers. When unions like C.CAWDU and CATU organise workers in a factory, they ensure that all employees, regardless of union membership, are enrolled in the NSSF and receive its benefits. This strategy benefits both union members and non-members, encouraging non-members to join the union and strengthening the organisation as a whole.
It is challenging and dangerous in Cambodia for trade unions to represent workers interests, due to the overall environment of repression and fear. Through the sustained process of engagement with their respective factory managements, the trade unions at the grassroots levels learned to make tangible gains with regards to improving working conditions. The basis for cooperation among unions and factory managements has been built and strengthened over the years of project implementation, and it is highly unlikely that this process will stop after the project has ended. Trade unions also have actively engaged in peer learning, sharing, and critical exchange with each other, building their intangible resources of confidence, solidarity, enjoyment from group learning experience, and speaking in a united single voice while representing the concerns of workers in professional platforms such as the PICC. Among workers and trade unionist, it induces the process of self awareness.
of self-awareness, brainstorming, questioning, challenging, confronting, fighting, rethinking and reimagining the concept of dignity at workplace. This is a gradual process of discovery of the self, and of the collective. At gatherings such as workshops, trainings, and reflection sessions, their interaction with each other fosters strong bonds among them. The act of participating itself is



pleasurable and 'not simply an instrumental means to a separate outcome' (deVolo, 2006). <sup>8</sup> This
process tends to be an inductive and inclusive movement for articulating and asserting the rights of
all. These new 'voices from below' have power and are gaining momentum in the world of work.

### Summarise success factors and/or those which challenged performance

- Design and Framework: The project design was agile and made space for developments in the country, at the local and national levels. The Rubrics Framework (introduced by Laudes midway through the project Phase 2) was an effective and progressive approach for an honest and authentic capturing of developments in the context, real results, the factors at play, and how these three interact, rather than with the pressure of succumbing to rigid logframes and quantitative targets.
- Localisation approach: The project's success has been significantly driven by the active involvement of local partners in the independent trade union movement of Cambodia. Their deep understanding of the local context, strong relationships with workers and grassroot level unions, and ability to navigate complex situations were instrumental in achieving project objectives. Their presence on the ground ensured that project activities were relevant, responsive, and adapted to the evolving needs of workers.
- Regular project 'check-ins': Solidar Suisse initiated monthly check-ins for this project, which included the project team, together with a knowledgeable consultant from APHEDA Cambodia. Furthermore, the learning circle exchanges among Solidar Suisse project team and Trade Union Rights Center (TURC) project team in Indonesia, led and facilitated by Laudes foundation, were also useful to compare notes and facilitate cross-learning beyond national borders.
- Peer-to-peer learning: The trainings and capacity building workshops for the factory-level trade unionists were conducted in a group setting, where they were encouraged to collaborate, discuss, teach and learn from each other, and exchange ideas for strategies to collectively put up arguments for evidence-based bargaining. This is a gradual process of discovery of the self, and of the collective. At gatherings such as workshops, trainings, and reflection sessions, their interaction with each other fosters strong bonds among them. The act of participating itself is pleasurable

<sup>&</sup>lt;sup>8</sup> de Volo, Lorraine Baynard. (2006). 'The Non-Material Long-Term Benefits of Collective Action: Empowerment and Social Capital in a Nicaraguan Women's Organisation' in *Comparative Politics*, Vol. 38 (2), Jan 2006, pp.149-167





- Increased space for women's voice: The increasing space for higher numbers of women in trade unions as members and leaders, as well as their active engagement in the project signifies the much-needed gender mainstreaming in the labour movement of Cambodia. In their newly-found confidence and agency to represent issues affecting whole shopfloors of workers in various departments, their assertiveness and lucid articulation interactions with management and fellow trade unionists, and their championing of the heat-stress and climate adaptation agenda; all have been encouraging results pointing to the nascent beginnings of feminist models of organising and leadership in trade unions. Access to data for evidence-based bargaining therefore can be powerful for all workers, and for women workers it can have a pathbreaking impact. have become agents of change, for. They are raising concerns with greater confidence, addressing topics like menstruation and maternity leave, as well as broader workplace issues that affect all workers, not just women. While trade union leadership remains predominantly male, women are increasingly visible and vocal in leadership positions at the grassroots level.
- Activating agency of grassroots factory-level unions: Trade unionists at the factory level earlier relied on the national leadership at the federation level to engage in collective bargaining negotiations with the factory management. After the project started, trade unionists at the factory level learned to use the BFC database and learned the importance of making evidence-based arguments in the PICC every 2 months, their capacity was built and they began to directly and efficaciously negotiate for improvements in the factory, with only minimal involvement from the national federations. We are confident that this process will ensure sustainability of dialogue among unions and management at the local level, even after the project has ended.
- Emphasis on all workplace issues, not just wages: By learning about the 52 criteria that comprise a labour-rights compliant factory, there is now a much broader understanding among trade unionists about issues linked to livelihoods and working conditions, such as gender-based violence, safety at workplace, freedom of association, etc. This broader outlook can be seen at both, factory level and federation level unions, marking a significant shift in their mindset.

### Challenges:

• Systemic decimation of labour rights, and retaliation against trade union activists: Independent trade unions continue to face numerous restrictions and repression. With the 2016 Trade Union Law, union registration processes are deliberately prolonged and complicated, often hindered by minor administrative errors in application forms. Even after successful registration, unions face significant challenges in achieving the MRS, essential for representing workers in disputes. Employers also use different tactics to undermine and dismantle unions. Unions affiliated to CATU and C. CAWDU often face threats, both to themselves and their families. In some cases, employers even resort to pressuring founding members to resign, pressuring family members of trade union members/leaders (particularly women) to leave the unions, arresting



democratically elected independent trade union leaders on bogus charges or vague interpretations of 'incitement', thereby weakening the union's leadership. Also, employers often keep workers on Fixed Duration Contracts (FDCs) as a result, workers involved in union activities are frequently dismissed on fabricated grounds when their FDCs expire.

Despite these challenges, workers are realising the value of data and confidently using it to conduct factory-level negotiations.

An important issue facing the trade union federations such as C.CAWDU and CATU is the way in which labour cases are handled in Cambodia. The labour and trade union law of Cambodia undermines the power of the union in many ways. As per the new trade union law (2016) a union cannot bring a workers' case to the court. These are registered as 'individual' cases, wherein the worker is not allowed any legal representation. The company, on the other hand, has the right to hire a lawyer to represent its side. The unions can go to the court in solidarity, but in fighting the case the worker is on her own as she would have to represent herself. The system is unfair, and hence, workers also think 'what is the use of the unions or federations, if they cannot help us with cases.' Even the Arbitration Council finds itself in limbo, as it finds it difficult to pass judgements which would have been seen as valid in the former version of the law, but are redundant or not eligible in the amended version. Here, we see the dilemma that international instruments can only do so much when the national laws themselves are designed to weaken and exploit the worker.

- Fragmentation of unions: As of June 2024, Cambodia had 6363 unions, 280 union federations, 42 confederations. Of these, only 7 garment federations are 'independent' of government and employers. The paradox is that despite the multiplicity of unions for an overall workforce of 1.79 million, only a small fraction of workers are unionised by independent unions. Infighting and factionalising within the independent union movement further weakens their bargaining power and overall strength in numbers, which plays right into the hands of colluding forces. Vong (2023)<sup>9</sup> argues that 'government-aligned unions continue to play a vital role in facilitating worker co-optation to the ruling Cambodian People's Party (CPP) by communicating public policies and political messages to workers, influencing the minimum wage determination process, and delivering free healthcare services to workers.' If the independent union does not take these factors into cognisance, it won't be long before their influence and outreach would further shrink to dangerously low levels.
- Delaying of CBAs: During the implementation period, a total of 4 CBAs were signed. While this is an impressive achievement, yet purposeful delays in CBA by factory management cannot be ignored. Management employs procedural tactics to stall progress, that creates frustration among workers and undermine their trust in the process, ultimately making it challenging to achieve timely and meaningful agreements.
- Negative consequences for CSOs uncovering the real picture of workers' conditions: The release of the shadow report by CENTRAL, while highlighting critical issues, also presented challenges. The investigation against CENTRAL and the public stance taken by our partners

<sup>&</sup>lt;sup>9</sup> Vong, Mun (2024) 'The Dynamics of Pro-Government Labour Mobilisation in Cambodia', in Journal of Contemporary Asia, 13 Aug 2024, pp.1–17





impacted the project activities to an extent, but in the larger scheme of the project, it opened dialogue in the international community on the situation of FoA in the country and strengthened advocacy efforts in Cambodia.

• Weakness of BFC: As a tripartite structure, ILO-BFC does not fully embody its principles in practice. While BFC has shown openness to feedback and has made interface changes to its portal, the more fundamental changes of validation of data by unions remains a far cry. Workers, unlike employers, are not allowed to validate BFC assessment reports. This power imbalance will remain a challenge, unless ILO fundamentally changes its position on this issue.

### Summarise and give reasons for any unexpected results

- There have been improvements in working conditions in smaller factories that are not yet in the BFC dataset. Federations focussed not only on building capacities of trade unionists whose factories were enlisted with BFC, but also those that weren't. This resulted in worker-led monitoring of working conditions in these locations as well, and successful negotiations and improvements were seen.
- Employers too are better informed now than before, they cross-check data with the BFC database.
- Process-oriented changes have been unexpected. Workers are seeing value in evidence, and transparency, and therefore the process of engaging with data, asking critical questions, monitoring factory conditions, and generating their own data is becoming a part of union discourse that encourages critical thinking among workers. Through this process, we saw that they moved from being passive recipients of information or being indifferent to active participants in shaping their working conditions. In an environment that is so repressive and controlled, having a place for creating an environment of transparency and accountability utilising public data has been powerful, and pathbreaking.

4. Lessons learned: What are the most important lessons learned? What worked well and why? What did not work well and why? What could be done differently?

### At the initiative level

- The project was initially designed with the idea that when data is available and accessible for workers, and if they have the skills to engage with the data, they would utilise it to negotiate with factory management and improve working conditions. The project unequivocally achieved this outcome. In fact, workers went beyond this expectation, developing a strong sense of ownership and agency. Having a say in the narrative that directly impacts them is powerful, as it reinforces the idea that they should be consulted and participating in the decision-making on what is published about their working conditions. Workers value the improvements in working conditions, but also the opportunity and ability to access the data about them.



- Workers and trade unions at the factory level value the platform that BFC has provided, especially in the factories that have PICCs. Though reform and a host of improvements are urgently required in the Better Work programme and ILO's commitment towards labour and trade unions, workers believe that it is better to have BFC than not. While numerous audits and certifications exist, these are private, making Better Work the only publicly accessible data. Without it, workers would have no data at all. Additionally, it has promoted collective learning and critical thinking among workers about the transparency portal in particular, and about the labour rights discourse in Cambodia in general. Hence, despite its flaws, BFC data unintentionally provides a platform that serves as a crucial bridge between workers and management, fostering dialogue that was previously rare or inexistent, in a country where it is difficult to demand labour rights and protections and trade union freedoms. Though originally unintended by ILO BFC, the platform has evolved into a powerful space for workers to connect, learn, and share experiences.
- We have generally observed that 'yellow unions' holding the majority in most workplaces, independent unions frequently find themselves at a disadvantage. However, one of the rare occasions when they do come together is at the PICC meetings. This platform has played a crucial role in bridging that divide, providing a space where different trade unions can engage and collaborate. Such rare engagements need to be sustained, as they hold the potential to build broader solidarity across the Cambodian trade union landscape and strengthen the collective union voice.
- Brands have a lot of leverage in the program and we hoped to push them toward greater involvement in improving the BFC program, especially if there are no advancements regarding the demands outlined in our statement. While we did have limited engagement with brands (For example: through the workshop in Switzerland organised to bring the perspective of unions and workers on the ground and their demands and ideas to European brands, Adidas is putting pressure on factories to allow planned union elections to happen in a democratic way). The engagement and advocacy with brands therefore needs to be more sustained to widen the net for initiating structural change, as brands can potentially be very powerful actors in this arena. Proactive action from some of them could potentially influence the Better Work programme, making it more labour-rights oriented. We believe future advocacy efforts by partners should have an explicit focus on targeting bigger brands and companies.

### At the organisational level

- The project benefited significantly from strong local coordination. The presence of local staff with in-depth knowledge of the context was instrumental in navigating the complexities of the local landscape and ensuring the project's successful implementation and monitoring. Continuous on-ground monitoring by Solidar Suisse project coordinator Sammedy Seng, who effectively coordinated the project's implementation with both partners and the Better Factories Cambodia (BFC) was useful. Guidance and support from project consultant Veasna Nuon of APHEDA, played a crucial role in ensuring the project's smooth implementation and steering, in the constantly changing and challenging context of Cambodia. Veasna Nuon acted as a valuable resource for both C. CAWDU and CATU as well, providing expert advice





on key organisational challenges and supporting critical events in the independent trade union movement of Cambodia (such as the Congress of C. CAWDU and CATU), facilitating several leadership consultations, workshops and reflect sessions. He also played a vital role in providing key inputs in the finalisation of the Shadow Report by CENTRAL, and acting as a bridge between Solidar Suisse and CENTRAL when the shadow report came under the government's iron fist.

- With CENTRAL we faced persistent issues on project implementation and communication, which led to the decision to conclude the partnership in the scope this project. Moving forward, we aim to engage in a deeper discussion with partners before deciding to onboard them, to ensure that the project goal also aligns with the partners' own vision, mission and strategic focus.

#### With other partners

- Heat stress emerged as a significant concern, as part of climate change adaptation discussions. exacerbated by climate change. Workers, especially women workers, have been actively raising concerns regarding rising temperatures and inadequate ventilation within their respective factories. Some have achieved success in negotiating for improvements majority of factories lack adequate ventilation and cooling systems, resulting in unsuitable working environments for workers. Rising heat is an urgent concern and needs to be prioritised by partners as an independent issue, not merely clubbed with other working conditions.
- Partners continued to struggle with submitting timely reports due to understaffing, as recruiting skilled people willing to work in trade unions and labour organisations is a challenge in Cambodia. This also affected the quality of reports, with finer details and critical insights sometimes getting lost in multiple reporting layers. In such cases, additional direct engagement with factory-level unions proved valuable, allowing us to better understand their challenges and how they navigate these complexities.

#### 5. Recommendations: What are the recommendations for:

### **The partners**

- To continue the momentum, union partners must continue this robust monitoring of data and recording of evidence to suggest improvements in the factories. In our meeting with Better Work Global in Jan 2025, the ILO emphasised the importance of continuing worker-led monitoring by independent unions. BFC staff is not there every day, but this monitoring by workers can be immensely helpful for factories. Furthermore, best practices of monitoring can also be utilised in other initiatives, like the due diligence directive which will require workers and trade unions habituated and comfortable in accessing, understanding, and utilising data.
- Union partners should keep up the good cooperation and networks, not just at the national level but also on the regional and global level, continuing their advocacy towards governments, ILO, and brands, as well as use the momentum the upcoming due diligence guidelines.





- Union partners should prioritise addressing heat stress and the impact of global warming in their advocacy agenda and collective bargaining efforts. While some federations have been reluctant to acknowledge climate change as a relevant issue, workers consistently report experiencing the negative effects of rising temperatures in their workplaces. Heat stress provides a tangible and relatable entry point for workers to understand the impacts of climate change. Leveraging this issue through organising efforts and incorporating it into workplace agreements can significantly advance climate action within the labour movement.

#### **Laudes Foundation**

- Agility has been a hallmark of this project supported by with Laudes foundation. The Rubrics framework has been extremely useful in rethinking how we capture and analyse results, and the importance of structuration processes in complex projects involving multiple actors, factors, and situations.
- The additional support provided by Laudes foundation for building the monitoring capacity and skills of Solidar Suisse staff, as well as for staff wellbeing, and the exit phase of this project has been exceptional, and we are deeply grateful for this support. We hope that Laudes foundation will continue this enabling approach towards their partners, as it makes the work constructive for all involved.
- As part of its new strategy focusing on Just Transition, Laudes foundation could consider supporting organisations that can be instrumental in building capacity of trade unions and actors in the main production countries of the global South on CSDDD. There is no Just Transition without workers and trade unions involved as its central actors. It may also be worthwhile to think about seeing BW Programme as a potential component in this process, if it could be continued in a repurposed role

### 6. Annexures:

• Any case studies relevant to the initiatives contributions to outcomes?

Case study 1: Use of BFC and buyer leverage to reinstate union leaders dismissed unfairly



In 2024, Outdoor Gear (Garment) Co., Ltd. engaged in discriminatory practices by unlawfully dismissing five workers for their involvement in trade union activities. After the formation of the union, the factory management targeted the union's co-founders, forcing them to sign termination letters under the pretext of lack of work. Determined to fight for their rights, the dismissed workers sought support from C. CAWDU and filed a complaint to the Department of Dispute Resolution, Ministry of Vocational Training, and via QR Code to ILO-BFC, as well as to the key buyers sourcing from these factories. A subsequent BFC assessment confirmed violations (red cross-mark X on the website) highlighting the company's discrimination against workers based on union membership and restrictions on union formation. Following the intervention of the ILO-BFC and MoLVT, a series of negotiations were conducted with the company's management. The factory, Outdoor Gear agreed to reinstate the workers and provide them with USD 6,000 in compensation. This case marked significant victory for the union and its members in using BFC data to negotiate and uphold freedom of association and protection of trade union rights.



2024, Phnom Penh to Dispute Resolution trainer-

Reconciliation Meeting at the MoLVT, 4<sup>th</sup> Nov Case study 2: From shirt counter Sear's incredible journey



Ok Kim Sear, a former construction worker turned garment factory employee at Apple Apparel (a Nike supplier), has become a prominent advocate for workers' rights. Beginning his career in 2014 as a shirt counter, he rose through the ranks and became the vice president of his union which is affiliated to C. CAWDU. A key moment in his activism involved strongly demanding the reinstatement of nine workers in 2018, including union members. His efforts bore fruit: the workers were reinstated and the benefits were provided retroactively. As an active participant in BFC initiatives, Sear closely follows up on workplace issues, monitoring and improving factory compliance with labour standards, ensuring that management adheres to labour laws and safety regulations. He plays a key role in educating union members on the BFC portal and its 52 critical issues, empowering workers to identify and report violations. Additionally, he actively pushes factory management to continue BFC partnerships, ensuring ongoing assessments and improvements in working conditions. Beyond monitoring BFC data, Sear now also serves as a dispute resolution trainer, collaborating with BFC to educate workers on labour law and conflict resolution. His leadership has contributed to significant progress in workplace safety, fair treatment, and the overall well-being of workers at Apple Apparel. Through his relentless dedication, he continues to strengthen union efforts and reinforce the

importance of BFC's role in protecting



Ok Kim Sear (first from left) leading a meeting with union representatives from different unions about internal regulation of factory, wages, and other relevant issues, 8th Aug 2024



## Case study 3: Srey Nuch starts a union, gets fired, wins her job back, and triumphs as a trade union leader

Soeung Srey Nuch, 28, started her work in a factory as a quality-checker in 2010. She lives in Kampong Speu province with her farmer husband and their two sons. She is in personal debt, and is always stressed about the high expenses for children's education, rising family expenses, and care for her elderly parents.

As a factory worker, she witnessed and experienced several issues—disrespectful behaviour of supervisors, team leaders and managers, who constantly blamed workers and laid them off at the slightest issues. In particular, the use of violence was commonplace—they would throwing bags, screws, machines at workers. The targets given to the workers were unrealistic, and when the workers would not meet these lofty targets, the managers always insulted them and warned them. In terms of occupational safety and health, workers were scolded and warned against taking 'long' bathroom breaks, alleging that the workers went away from work for a long time to play with their phones in the bathroom. The process of applying for sick leave was also difficult.

Witnessing all these injustices on a daily basis, Soeung was fed up, but did not know what to do. She got to know the Cambodian Alliance of Trade Unions-CATU through colleagues. Then, she has an opportunity to participate in meetings with unions in February 2023. Inspired by the learnings from this and subsequent meetings, she decided to form a union soon after (28



March 2023). During the joint election, the company fired four of the union leaders for a period of 6 months and 15 days. CATU assisted Soeung in filing complaints with the Ministry of Labour, with buyers and stakeholders during the dismissals. CATU not only provided legal assistance, but also emergency assistance packages to support her and other union leaders for their basic survival during this trying period. CATU won the case. After 6 months of having been fired, the workers and union leaders returned to work, with the company paying the full salary and annual wages. Soeung has continued her journey with the CATU, she feels enriched with the knowledge she gains about social protection, OSH rights, and resolving disputes. She is brave and dares to negotiate with employers and managers about working conditions and disputes in the workplace. Her strength and grit has resulted in many victories at the factory, and the union has gained 1000+ new members.



## Case study 4: Critical role of independent unions, supported by BFC, in demanding stronger protections for trade unionists

In 2024, General Enterprise faced allegations of discrimination against four workers who were actively participating in trade union activities. The factory management's actions included refusing to reinstate these workers, withholding their wages, and denying them access to their rightful benefits. Such discriminatory practices violated the workers' rights and highlighted ongoing challenges faced by trade unions in ensuring fair treatment in the workplace. Recognizing the gravity of the situation, the trade union escalated the case by submitting it to the ILO-BFC program for verification and resolution. This strategic move underscored the union's dedication to advocating for its members and utilising institutional frameworks to address workplace grievances. In collaboration with other relevant institutions, the ILO-BFC intervened to mediate and negotiate a resolution with the company's management and ownership. Following these negotiations, a settlement was reached in which General Enterprise management agreed to compensate the four affected. While this financial compensation provided some relief to the workers and officially closed the case, it also brought attention to the systemic issues of discrimination and the need for stronger protections for union members. The trade unionists at both the factory level and federation level of C. CAWDU discuss the learnings from this incident and strategise to better protect trade unionists' rights. Some of the important themes of their discussions include:

- Challenges in addressing discrimination: The case reflects ongoing difficulties in preventing union-related discrimination and ensuring that employers adhere to labour laws and internationally recognised ethical labour standards
- The Role of trade unions: The union's proactive approach in seeking institutional support showcases its critical role in defending workers' rights and holding employers accountable for unjust practices
- Effectiveness of institutional interventions: The involvement of ILO-BFC and other institutions demonstrates the importance of third-party mediation in resolving labour disputes and securing justice for workers
- The impact of financial settlements: While the monetary settlement addressed immediate concerns of the dismissed workers, it does not fully resolve the broader issue of workplace discrimination or its long-term effects on the affected workers

Moving forward, this case emphasises the need for continuous efforts to enhance workplace protections, enforce labour rights, and ensure fair treatment of union members. Collaboration between trade unions, institutions like ILO-BFC, and relevant stakeholders remains vital to fostering an equitable and just working environment in Cambodia's garment sector.





## Case study 5: Union advocacy matters

In 2024, IK Apparel faced accusations of discriminating against four workers due to their participation in trade union activities. The factory management's actions included refusing to reinstate these workers, withholding their wages, and denying them access to their rightful benefits. Such practices violated the workers' rights and undermined the principles of fair treatment and freedom of association in the workplace. Recognising the severity of this situation, the trade union submitted the case to the BFC for verification and intervention. This decision highlighted the trade union's commitment to advocating for its members and leveraging institutional mechanisms to address labour rights violations. In collaboration with relevant institutions, the ILO-BFC intervened to mediate and negotiate with the company's management. Through these negotiations, an agreement was reached in which IK Apparel agreed to compensate the four affected workers with a total payment of USD 7,500. This case underscores the significant challenges within the garment sector, particularly regarding the treatment of trade union members.

From this incident C. CAWDU and its affiliates once again learned that union advocacy matters. The trade union's decisive action in escalating the matter to BFC and other stakeholders demonstrates its critical role in protecting workers' rights and challenging discriminatory practices. The factory's immediate action in the aftermath of this complaint also shows that there is leverage embedded in the BFC programme structures, and if workers-trade unions are made aware of its power, they could utilise it to safeguard and strengthen their rights and freedoms.

### List of relevant publications, media coverage, external communications related to the initiative

Annex 1: IEC material- Project Factsheet Annex 2: IEC material- 'How to Access BFC Portal' Annex 3- Training presentation- 'How to improve trade union participation in PICC' Annex 4- Joint Statement on Better Work Transparency Data Annex 5: Booklet in Khmer on the Joint Statement on Better Work Transparency Data Annex 6: Shadow Report titled 'Barriers to Representation: Freedom of Association in Cambodia'

### 7. Financial Report





Please see financial report attached as a separate file