

LO-Norway Evaluation Project BWI/BWTUC in Cambodia Final Report

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Abbreviations:

AC – Arbitration Council
ACILS – American Center for International Labor Solidarity
BWI – Building and Woodworkers International
BWTUC – Building and Woodworkers Trade Union Federation of Cambodia
CBA – Collective Bargaining Agreement
CLC – Cambodian Labour Confederation
CLEC – Community Legal Education Center
FGD – Focused Group Discussion
GDP – Gross Domestic Product
KII – Key Informant Interview
ILO – International Labour Organization
LO Norway – Norwegian Confederation of Trade Unions
OSH – Occupational Safety and Health

I. Introduction

This report is the result of the evaluation program conducted exclusively for LO-Norway on its project support to the BWTUC (Building and Woodworkers Trade Union Federation of Cambodia) through the BWI (Building and Woodworkers International) for the period 2009-2011. The basis of this evaluation report is comprised of fieldwork in Cambodia conducted on 15-22 November 2011 and document analyses of pertinent data such as project proposals and reports as well as relevant books on the Cambodian labor movement. The fieldwork consisted of key informant interviews (KII) both in the Philippines and Cambodia, focused group discussions (FGDs) with BWTUC membership and leaders and selected site visits in Cambodia. Site visits were done to three different sites where members of BWTUC are working, namely Taprom Temple Renovation Site in Siem Reap, Sokha Construction Site in Phnom Penh, and TSO Railway Project Site in Kampot. The site visits and field work activities are intended to provide instructive insights for the evaluators on the progress and prospects of LO-Norway's project support with BWI and BWTUC. A total of 13 key informant interviews (KII); four (4) focused group discussions (FGDs) (namely 1 FGD held in Phnom Penh, 2 FGDs in Siem Reap and 1 FGD in Kampot), and two (2) group interviews were held in the Philippines and Cambodia (see total list of informants/respondents).

II. Cambodia Labour Movement: Progress and Prospects

Given Cambodia's tragic history, the trade union movement in the country is relatively young. There were trade unions that existed in Cambodia before the Khmer Rouge however, little was known about them up until 1954-1979. After the end of the Khmer Rouge in 1979 until 1990 under the communist government, the People's Republic of Kampuchea (PRK), trade unions or 'syndicates' as they were called, were formed and controlled by the State (Nuon and Serrano, 2010, p.20). Independent trade union organizing and formation did not begin until 1991 under the United Nations-supported peace process which led to the introduction of democracy and human rights movement in the country. After the first national elections in 1993, various 'free' and 'independent' trade unions sprung up which coincided with the transformation of the country's political system to constitutional monarchy and the opening up to a free market economic system.

Amid Cambodia's adoption of liberal economic policy and world demand for cheap labour, Cambodia has attracted millions of dollars of investment in the textile/garment industry. The industry absorbs hundreds of thousands of workers, mostly female from the countryside. It is in this sector where the union movement is the strongest, 60% are organized, due to the sector's exposure to international markets especially in the United States and Europe (Nuon and Serrano, 2010 and Almazan, 2008). In 1997, the Cambodia Labor Code, brokered by the US, was enacted to determine the minimum standard of respect and rights of workers in the workplace and set out procedures necessary for dealing with disputes between employers and employees. However, violation of workers rights remains widespread due to the weak implementation of labor laws.

Due to the weak judiciary system and the absence of a labor court in Cambodia, the establishment of an alternative labor conflict resolution mechanism was necessary. With the support of the International Labor Organization (ILO), the Arbitration Council (AC) was established in 2003 to settle

collective disputes between employers and employees in a timely manner. The AC forms a committee composed of three (3) representatives, one each from the Ministry of Labour and Vocational Education, workers' and employers' groups. The parties can either choose to abide by the decision of the AC or refer cases to the court system. Even though most of the cases are offered awards and a small number reach agreement, the effectiveness of the council remains weak. Given the disputed nature of some decisions, there is a perception that some decisions favor the employers' intention to exhaust all means and avenues for workers to pursue their cases, knowing the slow response from civil courts, a process that is usually detrimental to workers' interest. Up until now, no labor courts exist in Cambodia to address labor disputes and workers' complaints. However, a revised trade union law is expected to be legislated next year that broadens avenues for workers to struggle for their rights and decent working conditions.

Among the challenges facing the young and nascent trade union movement in Cambodia are low education among union leaders and members which is a manifestation of low education among the general populace in the country; lack of labor rights regulations protecting workers; and democratic rights deficit within the country. However, the young and energetic union leaders display potential leadership and organizing skills for the future development of the labor movement.

Total employed in 2009 is at 8.5 million people or 75.1% of the population aged 10 and above of which 55% are in agriculture, 15% in industry, and 30% in services. An estimated 60,000 new jobseekers join the labour force each year (NIS 2008). Unionization in Cambodia is extremely low. In 2009, it is estimated union membership can be as high as 489,516 (Noun and Serrano, 2010). The highest organized industry can be found in the garment sector where 60% of a total of 294,470 workers of 267 garment factories¹ are unionized. Of the total labour force, Almazan estimates that merely one percent is organized (Noun and Serrano, 2010). Furthermore, collective bargaining is also very low with only 206 agreements certified in 2009 according to the Ministry of Labor of Cambodia (cited in Noun and Serrano, 2010).

Progress and prospects:

- a. A new trade union law consisting of proposals to amend the Labor Code of Cambodia is expected to be enacted in the next two years. The new law is expected to provide regulations in trade union rights to organizing, negotiation and collective action.
- b. The Arbitration Council improves its stature and competency in resolving conflicts and as an avenue for workers to seek legal protection.
- c. Formation of independent trade unions, free from the influence of political parties at the national levels.
- d. Continuing dialogue among trade unions and other civil society groups on the advocacy to expand workers' rights through campaigns to adopt ILO Conventions and campaign for minimum wage for all workers in the country.

III. Construction Industry in Cambodia: Brief overview

¹ Data from the Ministry of Commerce reveals that between September 2008 and October 2009 the garment industry workforce fell from 352,955 to 278,398 due to closure or temporary suspension of factories (ILO,2010).

The Cambodian economy has grown tremendously since 1996 with construction, tourism, services and agriculture as major drivers of the economy before the global financial crisis hits. The construction industry is significantly important due to its allied and downstream sub-sectors. Construction is comprised of five sub-sectors namely: building, building materials, wood, forestry, and allied industries. From 1996-2005, the construction industry has grown an average of 10.7 percent annually (Almazan, 2008, p. 17). Its contribution to the GDP has been around 5%, one of the three largest contributors to the GDP after tourism and agriculture. In terms of employment, during this same period construction absorbs an annual average of 19.6 percent and still growing, with a highest recorded of employed people at 233,390 in 2005 (Almazan, 2008, p.17). According to the Ministry of Land Management, Urban Planning and Construction (MoLMUPC), registered construction volume continued to grow from 4,117,402 square meters in 2005 to 10,695,341 square meters in 2007 before the economy fell the global financial crisis. In 2008, only 10,339,643 square meters of construction volume was registered, and it even went down to 2,666,660 square meters in the first eleven months of 2010. On a daily basis, the construction sector employs throughout the country 27,588 people of which skilled and unskilled workers accounts for 9,588 (MoLMUPC, 2010). It should also be noted that unregistered construction remains rampant.

In terms of unionization, the organized workers in the construction industry is estimated at 5% of over 100,000 purely construction workers and less than 3% of the total workforce of about 200,000 in the construction, building and other allied sub-sectors (Noun and Serrano, 2010). At present, no minimum wage has been set for the construction industry unlike the garment industry. Construction workers receive about USD\$2 per day for the non-skilled and USD\$4 per day for the skilled worker. No regulations yet have been promulgated to regulate the working hours, working conditions and health and safety conditions of workers in the construction industry.

Progress:

- a. A 'Prakas' (labor policy/regulation) on occupational health and safety (OSH) for the construction workers is being discussed among representatives from labor, Ministry of Labor and employers.
- b. The employers association of the construction industry has recently been formed. This development may facilitate the negotiation of benefits and working conditions of workers in this industry.
- c. BWTUC is now in the process of crafting new organizing strategies to meet the challenges of organizing project-based, seasonal and precarious workers in the construction industry.

Setback:

- a. Majority of establishments in the construction industry are small scale with less than 100 workers.
- b. In small scale construction work, workers are commonly project-based, seasonal and casual.
- c. No minimum wage has been set for the industry, working conditions are very bad and there are instances of unpaid work employment.

Recommendations:

1. Design organizing strategy based on the demographics of workers in the construction industry. Majority are in small-scale building firms and importance of organizing workers in big construction firms and projects.

2. Advocate for the establishment of a minimum wage in the construction industry through campaigns, legislative lobby, parliamentary pressure and industry-wide negotiations/bargaining.

IV. Brief overview and analyses of the Building and Woodworkers Trade Union of Cambodia (BWTUC)

As of November 2011, BWTUC has 12 affiliate unions and three community-based unions in Siem Reap with a total membership of 2,189, with 567 or 26% of whom are female. The membership consists of 56% from building; 12% from building materials; 23% from wood and the other 8% from forestry. In terms of number of dues paying members, only 576 members pay dues out of the total 2,189 members or about 25% of total membership. The location of BWTUC affiliate unions are in Phnom Penh, Siem Reap and Kampot. BWTUC emerged from the merger of two key constructions unions in the country namely the Cambodia Construction Trade Union Federation (CCTUF), based in Siem Reap and the Cambodia Federation of Building and Woodworkers (CFBW) based in Phnom Penh. Five (5) independent construction unions affiliated with the Cambodian Labour Confederation (CLC) also joined the BWTUC.

The merger between CCTUF and CFBW to establish the BWTUC in 2009 is unprecedented and highly regarded as progress in the trade union movement of Cambodia. The emergence of BWTUC has been considered a model for trade union consolidation and a method to strengthen the trade union movement in the country. However, the merging modality of BWTUC, which lacks the physical integration of offices and leadership from the Siem Reap office and Phnom Penh headquarters (separated by the distance of 320 km) remain a cause for tension, miscommunication and distrust among the leaders.

After three years of merger, the BWTUC is inundated with problems including diminishing membership, leadership conflict, and skills and knowledge deficit to develop 2nd line leadership potential to implement organizing, negotiation and advocacy-campaign roles of the union.

A. Membership

In terms of membership profile, BWTUC had 5,713 members from 2009-2010, but this was reduced to more than 40% by 2011 to only 2,189 (see federation organizational profile in the annex of this report). The number of affiliated unions consequently reduced from 23 unions to 12 affiliate unions. According to the BWTUC, the major cause for the drastic reduction of membership was the loss of jobs of previously organized project workers when their construction projects has been completed. Likewise, only one of the BWTUC affiliates has an existing collective bargaining agreement (CBA) negotiated in 2006 covering 234 workers. No new CBA has been negotiated since then among the BWTUC affiliates. However, two new CBAs are currently being negotiated at the WMF and ICP. The fees from the 25% dues-paying members of the BWTUC will not be able to support the union's operational costs, making up only approximately t 1% of the operational costs of the organization.

Progress or responses to problems in membership:

- a. Individual memberships from the construction industry are allowed at the BWTUC and shall be treated equally as any member of the union.

- b. Community-based unions are being organized in the Siem Reap area to reach out to project-based construction and forestry workers.
- c. Potential CBA negotiation schedules are being prepared for 2012 for BWTUC affiliates in Siem Reap.

Recommendations:

1. Implement an organizing strategy addressing the demographics and precarious employment patterns in the construction industry.
2. Institutionalize dues-payment in the form of union contributions for any service provided by the federation. It must be emphasized after every training and legal assistance workshop that worker-participants need to contribute to the solidarity fund (at any amount even in coins) of the union's future. A percentage based dues fee may be explored.
3. The membership needs to be apprised of the amount of solidarity funds collected and the finances of the union should be presented during the general assembly twice a year for the Board of Directors and once a year for the general membership. This is to encourage ownership and responsibility for the sustainability of the union.

B. Leadership conflict

A recent majority decision by the Board of Directors last 13 November 2011, to suspend the current BWTUC President Mr. Sok Sovandeth, is a sign of cleavage within the leadership. Based on the Board of Directors' investigation, evidence was acquired that the President has been using a different organizational seal to transact with other organizations using the BWTUC name but without the knowledge of the Board and Executive officers of BWTUC. Only one official seal of the organization has been allowed to be used by the BWTUC and the official seal shall only be used with prior approval of the Board. The official organizational seal is under the safekeeping of the Secretary-General of the BWTUC. The Board and Executive leadership has also acquired knowledge and proof that Sok Sovandeth was regularly reporting to the government about the organization's operations which makes him also under the employ or payroll of the government. The suspension was carried out applying democratic procedures within the limits of the constitution and by-law.

Upon an interview with Sok Sovandeth, the suspended President, he said that his powers as BWTUC President are severely curtailed and that he should be allowed to make decisions and transact business outside the organization as President. Sovandeth believes that being a President, he should have decision-making powers over the Board and Executive officers. Based on these statements, the internal conflict seems to emanate from lack of clarity on the roles and functions of the leadership structure and tension on decision-making powers between the key leaders of the union. There are still remnants of personalistic and economic opportunistic styles of leadership which needs to be addressed within the organization.

At the leadership level, lack of capacity is a critical issue that needs to be addressed for the project goals to be achieved. Leadership and management skill such as long term planning, budgeting, problem-solving and managing staff along with development of English proficiency needs to be developed. It is observed that BWTUC leaders are very capable of implementing the plan to meet the target. However, when it comes to strategic thinking and debate at the policy level, they need an intermediary, such as the BWI resident coordinator, to bridge the gap and assist in communicating.

Progress or responses:

- a. Consultation of leaders with the organization's constitution and by-laws to resolve conflict;
- b. Consultation with former leaders and labor activists involved in the merger process.
- c. High potential and openness of the young leadership to improve and enhance their skills in unionism, leadership and workers education.

Recommendations:

1. Constitute a grievance mechanism or committee to investigate and hear the different sides of the opposing parties. For an intra-union conflict, a committee with an external personality may be invited to give impartiality to the investigating committee.
2. Continue the dialogue between the suspended President and the current leadership to show that all parties are able to defend themselves and due process has been done.
3. The grievance committee for intra-union conflict shall primarily aim to mediate and arbitrate rather than to pass judgments. A compromise agreement may result from the investigation process.
4. The decisions of the grievance committee shall be presented to the Board for approval and execution.

C. Lack of skills and knowledge

At the local union level, workers' knowledge remains limited as to what union is all about and what its members should/could expect from the union. There is a general agreement among them that being unionized will bestow them power to negotiate with and demand respect from employers. However, only a few of them understand what the unionist is like and his/her role and responsibilities in the union. For some workers, participating in the union training seminars means free food and transportation allowance. Furthermore, commitment to pay the union dues is very low given the low wage and insecure employment of construction workers. Deepening of unionism principles among members and leaders as well as enhancing skills in organizing are needed to develop the capacities of members and leaders of BWTUC.

In terms of education activities, BWTUC mainly conducts basic labor orientation and para-legal workshops for its members. While these types of workshops need to be continued, advanced skills trainings in leadership, union administration, financial management and education trainings are needed to enhance the knowledge and skills of the leadership and members.

Progress:

- a. BWTUC leadership is active in defending workers' rights through legal and organizing assistance.
- b. Availability of 7 full-time organizers (4 organizers, 3 volunteers) in the BWTUC both in Siem Reap and Phnom Penh to assist the needs of affiliates (see page 9 on institutional relations between BWI and BWTUC).
- c. Availability of full-time political leaders of BWTUC to directly organize workers for the organization and represent the union at the local, national and international levels.

Recommendations:

1. Conduct strength and weakness analyses of the leadership. Enhance their skills on which they are strong and adjust their tasks on the roles that require skills where they are weak.
2. Develop the para-legal capacities of the leadership. This is required in organizing construction workers on the ground.
3. **Proposal for a trade union education program blueprint:**

| Education activity | Needs addressed | Target pax | Frequency |
|---|--|--|---|
| Basic trade union orientation seminars (1-day, 8 hours or less) Leadership as facilitators/educators | Importance of trade unionism, situation of workers in industry, and profile of BWTUC and BWI | Rank-and-file membership, | At least once a month for 10 months |
| Basic trade union rights seminar in construction industry (1-day, 6-8 hours) | Legal rights of workers in Cambodia, rights of construction workers | Rank-and-file membership | At least once every two months |
| Trade union administration and leadership (3-days, 21 hrs) | Develop leadership skills of first line leadership on TU administration, etc. | All first line leadership to undergo and second line leadership potential | At least twice a year |
| Collective bargaining and financial management training (2 days/16 hours) | Develop skills on trade union work | All first line leadership to undergo and 2 nd line potential | At least twice a year |
| Basic gender/women orientation seminar (1-day and 6 hrs) | Basic orientation on women workers | Women rank-and-file (identify potential women leaders) | At least every two months (6 sessions a year) |
| Para-legal training (2 days/16 hours) | Enhance para-legal skills of leadership and potential leaders | 1 st and 2 nd line leadership | At least twice a year |
| Gender sensitivity for men (2 days/16 hours) | Emphasize the importance of organizing women workers in construction industry | 1 st and 2 nd line leadership as well as organizers and male rank-and-file members | At least twice a year |
| Advocacy campaign and participatory budgeting skills training (2 days/16 hours) | Specialized skills for issue-based needs of unions | 1 st and 2 nd line leadership as well as organizers | Once a year |
| Organizing skills training | Develop organizing skills and establish | 1 st line leadership and potential organizers | Twice a year |

| | | | |
|-------------------|----------------------|----------------|--|
| (2 days/16 hours) | organizing committee | from the ranks | |
|-------------------|----------------------|----------------|--|

Classification of BWTUC education participants: (30% participation of women per training)

- a. First line leadership – political leadership (executive and board)
- b. Second line/potential leadership – board and shop stewards
- c. Rank-and-file members
- d. Potential organizers from ranks – leadership and/or rank-and-file

D. In relation to gender and other issues.

On the gender aspect, there is a need for more participation of women in the leadership. While at the local level, there is a higher ratio of women members to their male counterparts, the national level has suffered gender imbalance since the merger. This issue needs to be addressed. While in the charter, it prescribes 40% women taking part in the leadership level, in reality, there is only one woman sitting in the 21 member board of directors and one in the executive committee. More effort has to be made in order to encourage more women participation in the leadership position both at national and local levels. To address this issue, there might be a dire need to revisit the real intention of the Statutes and specifically on the clauses on gender.

Health issue remains a major challenge for workers in the construction and wood sector. According to our field visit, it is clear that those who have sought successfully for the collective bargaining agreement or agreement of some sorts with employers have enjoyed better health and safety facilities. Nature and location of work might dictate this condition. In places like railway construction, workers are not provided even proper housing, cooking facilities, dining places or latrine. They cook and eat along the railway and sleep wherever they move. At night, they sleep in their own swing and net under the tent provided by the company. Where there are houses in the community, some of them prefer sleeping in front of those houses. On this safety issue, in many sites, workers are not provided clear safety instruction and facilities such as safety gear and helmets. And lack of sanitation at the residence site pose a threat to the health of workers and their accompanying dependents. Currently, the BWTUC together with other civil society groups are advocating a “Prakas” or labour department policy to establish regulations for Occupational Health and Safety (OSH) in the construction industry. A tripartite consultation body is presently working on the regulatory policy. Including the informal workers under this policy framework coverage is another necessary step for BWTUC to consider.

Local union members, leaders and national member see unions as their strength and becoming part of it is in their individual and collective interest. Economic opportunity, tragic past history, and low education among them and discrimination, however, have deterred them from forming a union and even though when formed they are afraid of going high profile or too visible. Discrimination, and even worse, termination can be an immediate result of forming a union.

E. Relationship and coordination between trade union institutions: BWI and BWTUC

The organizational relations between the BWI and BWTUC seem to be unclear for some leaders and local union members. BWTUC is affiliated as a union member to the BWI which is a global union in the construction industry at the international level. BWI supports BWTUC as its local union member in

Cambodia in terms of the implementation of the project goals and financial support. Confusion in the organizational structure and project requirements becomes apparent as the project progresses on its next cycle.

Based on the on-going project with LO-Norway and BWI/BWTUC, the project pays for the salaries of the key leaders of the BWTUC such as the President, 2 Vice-Presidents, Secretary-General, and Treasurer. There are 3 more volunteer organizers who receive financial support from the project. To justify the salaries of full-time leadership of the organization, they are expected to organize for the BWTUC and shall be evaluated based on their role as organizers for the project. While most of BWTUC leaders clearly understand that BWTUC is BWI Cambodia affiliate, they find it very challenging to perform their individual parallel roles as BWI organizers and BWTUC leaders. Given the fact that BWTUC income from dues payment is extremely low, roughly 1% of its annual expenditure, the main source of income to cover the cost of staffing and activities is from LO Norway funding through BWI. For the local union leaders and members, BWI is seen more like a donor/funder and not the union that represents them at the international and global level.

Relations between BWTUC and BWI local staff are troubling due to various reasons. On the one hand, there seems to be a lack of guiding policy documents such as financial management policy for the operation of the union work. There is doubt among BWTUC leadership about the project structure arrangement as to what the role of BWI local staff is and how s/he should work with the BWTUC structure as BWI's country affiliate. Low capacity and lack of understanding of their relationship with BWI have created a working environment where they depend on direct advice and guidance from BWI country coordinator. During the fieldwork, it is observed that questions of autonomy and ownership arose from the BWTUC in terms of determining project activities, financial management and project decision-making.

Furthermore, during the focused-group discussion with BWTUC members, majority are unaware of the nature of BWI as a union. BWI is commonly perceived as a donor organization that provides financial and technical assistance to the union. The working relationship between BWI and BWTUC is also unclear for most of the membership who participated in the discussions. During the FGDs, the participants were also asked about their perception of LO-Norway. While majority replied correctly that LO-Norway is a funding or donor organization, a few responded that it is a labor education organization and an experts group providing technical assistance to the BWTUC.

Progress:

- a. The young leadership officials of BWTUC were former workers in the construction industry. In terms of organizing, they have an advantage of knowing the terrain of the industry and the concerns of construction workers.
- b. The BWTUC leadership and BWI staff are skilled in project implementation and union organizing work.

Recommendations:

- a. It is important for BWTUC political leadership to lead in organizing, negotiation and in the defense of workers' rights in the construction industry. As a trade unionist, being an organizer and at the same time a political leader of the organization are not mutually exclusive. It is

therefore important to clarify to the leadership that aside from managing the union, they also need to organize workers for the union.

- b. BWI has the capacity to provide political guidance, technical assistance in workers' education and coordinate the BWTUC leadership with the BWI at the regional and international levels. The BWI coordinator in Cambodia needs to perform significant roles aside from coordinating the project implementation and management.
- c. Emphasize the role of BWI as a global union in the basic trade union workshops with the workers. The personnel of BWI are unionists themselves so it is important that they are also adept in trade union work such as organizing, negotiation, communication and workers' legal rights.
- d. Communication between the BWI and BWTUC leadership needs to be strengthened and enhanced with due respect to the autonomy and democratic processes and/or debates within the BWTUC.

V. Results on key evaluation areas:

1. Relevance

As early as 2001, the BWI entered into a formal cooperation project with the Cambodia Construction Trade Union Federation (CCTUF) through the support from SASK (Trade Union Solidarity Centre of Finland) and the Rakennusliitto (Construction Trade Union in Finland). In 2006, LO-Norway began formally supporting the Cambodia Federation of Building and Woodworkers (CFBW), which is based in Phnom Penh, while SASK supported the CCTUF that continued to be based in Siem Reap. The support of LO-Norway and SASK were focused towards the strengthening of the CCTUF and CFBW as labor federations in the construction industry with the end in view of consolidating the two unions by 2009.

Increase of membership through organizing and increase of CBAs were the major strategies in strengthening the organizations. LO-Norway's project support broadened in 2007 to include initial activities relating to the process of building unity between CCTUF and CFBW Penh but the core project activities were focused on strengthening CFBW. LO-Norway's project support took on a substantial change when the 2008 project was directed towards both the CCTUF and CFBW focusing on joint activities in preparation for their merger/unification. The merger of the two trade union federations happened in 2009 which was the start of the project support for BWTUC. The project from 2009-2011 is focused on the consolidation of BWTUC as a unified trade union and institutionalizing organizational processes despite different political cultures of CCTUF and CFBW.

BWTUC emerged in an environment where union splits or divisions are common. In a post-conflict countries like Cambodia where political suppression, censorship, and conflict of interest among different political groups is obvious, BWTUC is considered as a pioneer in the union movement because the merger of the two different federations, CCTUF and CFBW. There is a consensus among stakeholders that BWTUC is obviously very relevant. Apart from the merging modality, BWTUC is pioneering organizing unions within the building and wood sector, the sector that is growing at a very quick pace in the country. Even though it remains a challenge for BWTUC to organize workers in this sector due to the

fact that most of their members are mobile and seasonal, LO-Norway and BWI's support has been critical for its future development.

The project support of LO-Norway from 2006 up until 2011 has been crucial in the formation and achievements of BWTUC. Through these years, the project goals and objectives has adapted to the changing dynamics and development of its partner unions namely the CCTUF and CFBW until both merged into what is now known as the BWTUC. It can be stated that LO's support has been modified to meet the changing needs of its partners. After the recent events and developments in 2011 however, there is a need to address newly-discovered and existing challenges in consolidating BWTUC particularly on declining membership, leadership conflicts and skills/capacity deficit of local members.

Progress:

- a. BWTUC affiliated with the Cambodian Labour Confederation (CLC) in mid-2011. The CLC considered one of the independent labor centers in the country. This affiliation may result in the infusion of new dynamics in the BWTUC organization and strengthen BWTUC's role in the national labor movement.
- b. Formation of the employers' association in the construction industry may open windows of opportunities for new arenas of struggle such as industry-level negotiation and bargaining.

Setback(s):

- a. Lack or diminishing clarity on the roles and functions of leadership positions at the BWTUC level.
- b. The personalistic style of leadership still resides among a few of the political leadership.
- c. Consolidation between the two labor federations of construction unions (CCTUF and CFBW) remains unfinished as expressed by the existence of two main physical offices of BWTUC and geographical division of the executive officers (the Secretary-General is located in Siem Reap and the President and Vice-Presidents are in Phnom Penh).

Recommendations:

- a. The project support should focus further in deepening knowledge and skills of the leadership especially in clarifying their role and functions within the organizational structure.
- b. The project to encourage the formulation of a conflict/dispute resolution mechanism and regulations to address intra- and inter-union conflicts.
- c. The permanent headquarters of BWTUC need to be identified wherein key executive officers must be situated in the same location. Branch offices can be established in key provinces of the country with a competent organizer is assigned to coordinate the activities of the organization in that province.

2. Effectiveness

The project has achieved its objectives to an extent that the merger has happened and transition is going at a satisfactory pace yet laden with transition pains. The spirit of merging between the two federations working in different locations is beginning to take its root and will be potentially strengthened in the next few years to come. Organizing modality has been adjusted to respond to the mobility and the seasonal nature of the workers in the sector. Attention to organizing workers in the sites that are more long-term in nature will provide momentum for the sector to be aware of rights of workers and obligations of employers to respect workers' rights. In its 2010 report the "BWTUC

acknowledged the needs to assess its current organising strategy and develop a new organising strategy, targeting regular companies, construction materials companies, and MNCs projects.” BWTUC need to balance its membership with workers that are under regular contracts as source of regular dues payment at while the same time continue to organize workers in construction project sites where the working conditions are the worst.

However, challenges from the merging process and building trust among leadership from the two federations still needs to be addressed along the way. More importantly, constant capacity building for the leaders on management, leadership, communication, and conflict resolution will assist them in dealing with the union’s challenging job. Along this process, the sense of ownership also needs to be deepened.

BWTUC’s activities in defending construction workers from dismissals and unfair labor practice have been very effective. The support to the construction workers can range from legal support, negotiation for better conditions to provision of additional education on labor rights and skills. The union’s work in advocacy and networking with other social movements and civil society groups are also effective in projecting the stature of BWTUC at the national level. This network and advocacy work could assist in the achievement of campaign issues such as the Prakas on OSH and minimum wage in the industry. Among the groups that BWTUC is currently engaging are the Ministry of Labor and Vocational Training, CLEC, CLC, ACILS, ILO, other human rights non-governmental organizations (NGO), etc. This is positive in pushing for policy reforms at the national level and enhancing the role of BWTUC in the industry.

Progress:

- a. New organizing strategies have been formulated by the BWI and BWTUC to improve its membership and meet its organizing strategies.
- b. The leadership and organizers are open to advice and new strategies to improve their skills and knowledge.

Setback:

- a. Lack of communication among the key political leaders of BWTUC exacerbates distrust within the leadership.
- b. Board of directors display lack of involvement and engagement in setting the political direction of the organization. The Board also shows lukewarm participation in policy and decision-making.
- c. Check and balance between the executive and board leaders is unclear. There is danger that the Board becomes a rubber stamp to key executive leaders burdened with differing interests.

Recommendations:

- a. Continue capacity building activities for the key leaders (executive and board of directors) in the organization especially on project and financial management, communication and conflict resolution.
- b. Intensify political and trade union education for memberships to deepen commitment and understanding of members on unionism.
- c. Identify and develop potential 2nd line leaders on skills and knowledge on unionism and political leadership roles.

3. Efficiency

The project provides adequate financial and human resources for the effective implementation of the project. The BWI have a local project coordinator based in Cambodia that is solely focused in the coordination and implementation of the project. BWI regional officers such as the BWI regional education officer and Asia regional coordinator are in constant communication to the project coordinator in Cambodia. These people also serve as resource speakers and trainers for the education activities of BWTUC. In the same vein, the LO-Norway Asia Regional Consultant, Floro Francisco, provides regularly his expertise and advice in the education and organizational development activities of BWTUC.

Based on the perception of union leaders we gathered during the fieldwork, while the project is considered as effective, its efficiency is questionable. Some activities can be conducted at lower cost and enjoys the same result. There should be a prior need assessment before training is to be provided, for example. Participatory planning and budgeting will help address the efficiency issue.

In the efficient deployment of financial and human resources for the BWTUC project, this report raises three points:

1. The BWTUC have at its disposal 7 full-time organizers-educators tasked to implement the project activities. This is a huge human resource that would be useful in the implementation of the project. It is important to ensure that outputs of personnel are adequately monitored vis-à-vis their agreed tasks.
2. In terms of the financial appropriations, there is an alarming high budget-expense variance of underspent funds during the period under review. The annual allocation is USD 109,085 for 2009 and USD 85,895 for 2010. The average underspending for the two years is 36.5%. It seems that the budget proposed and provided is far different from the capacity of the union to utilize it. There might be a problem in the planning stage where the absorptive capacity of the organization was not adequately considered.
3. Percentage share of administrative cost versus project activity cost is positive with 1/3 of budget is allocated to administration expenses and 2/3 allocated to activities. For 2009, 64.29% for activity expenses and 35.7% for administrative costs are allocated and for 2010, 67.87% is allocated for activities and 32.13% for administrative costs.

Progress:

- a. The executive and financial officers practice transparency in terms of finance reporting and liquidation of expenses.
- b. The executive leadership has adequate financial and administrative skills in the course of implementing the project.

Setback:

- a. The annual surplus of funds, i.e. unspent funds of almost 50%, reflects a problem in the absorptive capacity of the union to utilize all the available funds.
- b. The management of finances/funds available is different from the skills in financial reporting. Financial management also includes planning, monitoring and re-adjustment of financial allocations which seems to be inadequately applied by the executive officers.

- c. There is no clear and regular tasking of full-time personnel/organizers on a weekly basis. Whilst monthly work plans are required from the organizers, outputs from these work plans are not adequately monitored.

Recommendations:

- a. Regular and mid-year financial statements must feed into the monitoring process which is part of financial management such that activities can be adjusted or added midway through the annual project plan.
- b. Need for more financial management training and budgeting that takes into account the re-alignment of funds to ensure cost-efficient utilization of funds.
- c. Clarify and regularly monitor the outputs of organizers on a weekly or monthly basis. Since the executive officers perform dual roles, as political leaders and project organizers, their tasks and roles need to be clarified. The political tasks of the executive officers should also compensate or balance their organizing tasks.

4. Sustainability and organizational development

The key informants from BWI and BWTUC reported that a sustainability plan was presented during the first founding congress and incorporated in their project proposals. However, this plan only comprises the projections and scenarios in the organizing efforts of BWTUC and its equivalent dues-payment receivables. As indicated in their reports for 2010, there have been organizing setbacks this year with a huge decline in membership and dues-payment due to end of construction projects after the global financial crises. The experience for the years 2010-2011 need to be taken into account in the future strategic planning of BWTUC on sustainability.

Given the fact that about 99% of its expenditure comes from the project's funds (LO-Norway and BWI), it is critical for BWTUC to take its sustainability plan seriously. Only 25% of its members pay dues, mostly at fixed amount (\$0.25 to \$0.50) collected by hand, with the exception of EFEO where the check-off modality is applied. It is cited time and again that the sustainability strategy is focused mainly on strengthening organizing activities and increasing dues paying members. However, the project construction workers and community-based members have difficulty paying even the minimum amount of the union dues.

Low capacity at the leadership level may have prevented them from coming up with a creative sustainability strategy. However, during the field work, we observe that some of the union leaders have some interesting initiatives to strengthen the union and respond to the sustainability issue. For example, while working with partners like LO-Norway and BWI, some BWTUC leaders are competent to be service providers so that they can charge money from the project to be directed to their savings or general fund. The key informants also mentioned their plan to establish training programs for unemployed project-based construction workers, which would ensure the continuity of the union's engagement with the workers.

Progress:

- a. Since the beginning of the merger project, key leaders of the BWTUC are aware of the limited and finite support of LO-Norway. The leaders are conscious of the urgency to develop self-reliance and sustainability of the organization in the near future.

- b. Presently, there are new creative ideas being discussed for the sustainability of BWTUC especially to increase organizing of regular construction workers and address organizing of project-based workers.
- c. BWTUC's defense of workers' problems in the workplace such as provision of legal and technical support to workers can be the initial source of its sustainability program. The legal, technical and education services rendered by the BWTUC can generate income from the workers. As a labor federation, the BWTUC have the right to be paid from the awards on labor cases won and/or from collective bargaining agreements negotiated. These incomes can form part of the solidarity fund and savings of the union for the future.

Setback:

- a. In the medium term, dues-payment will not be the source of funds for the sustainability program of the organization.
- b. Loss of contact with project-based construction workers diminishes the union's membership and capacity to strengthen the organization.

Recommendations:

- a. Conduct a strategic planning workshop that includes as its core topic the discussion on sustainability as well as the trajectory of BWTUC in the next 5-10 years.
- b. Conduct feasibility studies on possible sustainability projects for further discussion.

5. External impact

BWTUC is considered as actively participating in advocacy and campaign at the local and national levels where they can influence policy and decision making related to labor disputes and workers' interest. On labor issues which require legal debate and advocacy, they are ready to participate and give their support to those like-minded union leaders such as debate on draft union law and their active participation in public events like May 1, International Labor Day. BWTUC is also regularly consulted by the government and other stakeholders in the country on important labor issues such as the minimum wage, OSH, social protection, etc. At present, BWTUC is considered one of the key stakeholders in the construction industry and recognized by the Ministry of Labor and Vocational Training (MoLVT).

BWTUC's recent affiliation to CLC secured its key role in the larger Cambodian labor movement. The CLC, as the most independent labor formation in the country, maintains linkages with international organizations such as the American Center for International Labor Solidarity (ACILS), the ILO and the International Trade Union Confederation (ITUC). In BWTUC's activities in workers' defense such as providing legal assistance to construction workers are in cooperation with other stakeholders in the movement such as ACILS, CLEC, ILO and CLC. The CCTUC and CLC have benefited from the LO-FTF Council or the Danish trade union program in Cambodia entitled "Workers Education Project" through the development of workers education modules and trainers training on trade union education (see Noun & Serrano, 2010, p.54). BWTUC's formation from the merger of two construction labor federation goes beyond the tide of fragmentation of trade unions in Cambodia. The success of BWTUC can be seen as a lesson in the larger labor movement to consolidate unions instead of competing with each other. It is thus important to ensure the continued consolidation of BWTUC as an organization. Through this

achievement, BWTUC is seen as a collective effort of many stakeholders and civil society groups in the country.

Progress:

- a. Labor advocacy activities are conducted jointly with other key civil society groups and social movements in the country (i.e. Labor Day celebration, OSH campaign).
- b. BWTUC's commitment to strengthening workers' rights has been incorporated into the CLC's policy and engagement framework with other stakeholders.
- c. High awareness among stakeholders inside and outside Cambodia about BWTUC's strength and potential to represent building and wood workers in Cambodia is encouraging for BWTUC to continue to broaden its scope and coverage in their campaign and advocacy activities.

Setback:

- a. Repressive and discriminating labor practices and policies remain without commitment from the national government towards reforms.
- b. Lack of common voice among building and woodworker unions and federation in Cambodia may pose a threat to the campaign for construction workers interest and rights.

Recommendations:

- a. Continue networking and advocacy campaign initiatives of BWTUC at the national, regional and international levels on the following major issues: minimum wages, social protection, freedom of association and OSH.
- b. Show a strong commitment for unifying forces within the construction union movement to combine forces to promote and protect construction workers' rights.

5. Gender, safety and health

The construction industry in Cambodia is significant in the sense that the proportion of women and men construction workers is almost 1:1 (see Almazan, 2008, p. 54). However, wage discrepancy between male and female construction workers exists especially with the lack of minimum wage regulation in the industry. In terms of unionization, male construction workers constitute the majority of union members in the industry. In BWTUC alone, women construction workers only account for 27.8% of the total union membership (see Almazan, 2008, p.65).

In terms of health and safety, it is important that the tripartite body involving the workers, government and employees agree on the promulgation of a 'Prakas' or a policy regulation on occupational health and safety (OSH). This policy also needs to apply as well to informal workers and women. This regulation can immensely improve the conditions of women workers in the construction industry especially those employed in small-scale construction projects.

At the BWTUC, gender balance at the local union level is guaranteed while rate of women sitting at the board of directors and executive committee is very low. The union's by-laws require 40% of women participation in the leadership positions. This policy has not been met. Gender awareness has been integrated into the training for union members and leaders. At the organizing level, the union put efforts in promoting participation of female and male workers in the leadership and membership alike.

Progress:

- a. The BWTUC is part of the tripartite dialogue on the OSH Prakas.
- b. Gender issues is being integrated or mainstreamed in BWTUC's training and seminars.
- c. Women committees are formed at the local union level.

Setback:

- a. Women in leadership positions at the BWTUC remain below the mandated 40% of women participation.
- b. Gender-fair policies and rights are not yet part of the CBA proposals from the union.
- c. Lack of gender-sensitive seminars/workshops implemented in the BWTUC education program. Specifically in 2009, the gender seminar was not implemented as reflected in the 2009 financial report.

Recommendations:

- a. BWTUC should be conscious of the fact that OSH Prakas must include informal workers like construction workers in its coverage.
- b. Consciously meet the requirements of women participation in the BWTUC leadership.
- c. Widely conduct gender-sensitivity training programs for the leadership and membership of BWTUC.
- d. Mainstream gender issues at the education program, CBA proposals and organizational policies of the union.
- e. Practice inclusive decision-making practice at the leadership level to involve the perspectives of women leaders and members.

VI. CONCLUDING RECOMMENDATIONS

The bases of this report are interviews, focused-group discussions and document analyses conducted during the evaluation program. This report contains broad and specific recommendations for the project, for the BWTUC organizational development and BWI-BWTUC working relations. This evaluation highlights the impacts and advantages of LO-Norway's support for the BWI/BWTUC in Cambodia. Whilst the project support is important and should be encouraged, the issues raised and recommendations put forth in this report needs to be addressed.

This report reiterates the general conclusions from field work observations. The project has played a very important role in strengthening union movement in the building and wood sector in Cambodia. Such contribution is critical for the enhancement of civil society in a democratic society. Given limited political space in Cambodia to represent workers' interest and campaign for the respect of human rights and workers' rights, the success of the project that BWTUC must be proud of deserve praise and recognition. The project intervention comes at the time when the young union movement in Cambodia is highly in need of broader partnerships and involvement from the progressive labor movement.

Even though there are still gaps to be filled in order to achieve all of the project objectives, creativity among the leadership has started to emerge. With capacity of the union leaders improved, there is more and more thoughts put through on the issues of organizing modalities and sustainability plan. More work need to be done to realize the union's goal. While capacity of leaders is to be strengthened, the issue of partnership with BWI needs to be clarified to all parties concerned.

Moreover, the true intention of the merging of CCTUF and CBFW must be well understood by the labor movement community in Cambodia and outside so that they can assist in mobilizing support to achieve its goals of strengthening union movement in Cambodia.

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Noun, Veansa and Serrano, Melisa. 2010. *Building Unions in Cambodia: History, Challenges, and Strategies*. Friedrich-Ebert-Stiftung Office for Regional Cooperation in Asia. Singapore.

International Labour Organization (ILO) 2010 *Cambodia's Garment Industry Struggles in the Face of the Global Economic Downturn*, Phnom Penh: ILO.

National Institute of Statistics (NIS), 2008 *The Statistical Year Book of Cambodia 2008*, Phnom Penh: NIS.

Ministry of Land Management, Urban Planning and Construction (MoLMUPC) 2010 *Statistics of Construction between 2000 and November 2010* (Report from the Department of Construction December 2010) www.molmupc.gov.kh accessed in December 2011.

Documents:

1. BWTUC Constitution and By-Laws. 2009.
2. BWTUC 2009, 2010, 2011 Financial Reports.
3. BWI/BWTUC 2006, 2007, 2008, 2009, 2010 Project Proposals and Narrative Reports
4. Baseline data on BWTUC organizational profile (developed by evaluators).
5. LO-Norway Terms of Reference

ANNEX I: List of Interviewees/informants

| Interviewees | Position | Affiliate institution | Based | Method |
|--------------------------|--|-----------------------|------------|-------------------------------|
| Floro R. Francisco | Regional Consultant, Asia | LO-Norway | | Key Informant interview (KII) |
| Shelly Woyla Marliane | Regional Education Officer | BWI Asia-Pacific | Malaysia | KII |
| Siv Sothea | Project Coordinator | BWI | Phnom Penh | KII |
| An Nan | Arbitrator | Arbitration Council | Phnom Penh | KII |
| Bo chanveasna | Chief of secretariat | Arbitration council | Phnom Penh | KII |
| David John Welsh | Country director | ACILS/AFL-CIO | Phnom Penh | KII |
| Im Sarin | Deputy chief of SR provincial department of labour and | Government | Siem Reap | KII |

| | | | | |
|-------------------|--------------------------------|--------------------------------------|--------------|-----|
| | vocational training | | | |
| Sok Sovandeith | President, suspended | BWTUC | Phnom Penh | KII |
| Van Thol | 1 st Vice President | BWTUC | Phnom Penh | KII |
| Sok Kin | 2 nd Vice President | BWTUC | Phnom Penh | KII |
| Ken Chheanglang | Secretary general | BWTUC | Siem Reap | FGD |
| Phatt Phort | Treasurer general | BWTUC | Siem Reap | FGD |
| Tep Choy | Board director | BWTUC | Siem Reap | FGD |
| Ray Chreb | Volunteer organizer | BWTUC | Siem Reap | FGD |
| Nuon Sorb | Volunteer organizer | BWTUC | Siem Reap | FGD |
| Ath Thorn | President | Cambodian Labour Confederation (CLC) | Phnom Penh | KII |
| Moeun Tola | Labor Department Head | Community Legal Education Center | Phnom Penh | KII |
| Yim Serey Vatanak | Project Coordinator | International Labour Organization | Phnom Penh | KII |
| Khon Sokhei | Union Leader | | Siem Reap | FGD |
| Vei Van | Deputy union leader | | Siem Reap | FGD |
| Leb Loeut | Community based union leader | | Siem Reap | FGD |
| Voен Tan | Community based union leader | | Siem Reap | FGD |
| Prark Samnang | EFEO union leader | EFEO | Siem Reap | FGD |
| Lim Vich | Union leader | Artisan d'Angkor | Siem Reap | FGD |
| Luy Sousya | Union leader | ICP | Siem Reap | FGD |
| Chhim Sok | Union leader | WMF | Siem Reap | FGD |
| Chhun Pao | Union leader | K-Cement | Kampot | FGD |
| In Ken | Deputy union leader | Thaibunrung | Kampot | FGD |
| Khem Phat | Union leader | Thaibunrun | Kampot | FGD |
| Mul Pheap | Member | Thaibunrun | Kampot | FGD |
| Bun Vanna | Activist | K-Cement | Kampot | FGD |
| Dong Apolinar | Asia Pacific | BWI | Kuala Lumpur | KII |

| | | | | |
|--------------|-------------|----------|------------|-----|
| | Coordinator | | | |
| En Somon | | Kospich | Phnom Penh | FGD |
| Yot Sreimom | | Kospich | Phnom Penh | FGD |
| Yot Sreileap | | Kospich | Phnom Penh | FGD |
| Bi Vuthy | | Kospich | Phnom Penh | FGD |
| Sun Sambath | | KTC | Phnom Penh | FGD |
| Yun Samnang | | KTC | Phnom Penh | FGD |
| Chhuob Ry | | KTC | Phnom Penh | FGD |
| Seav Ly | | LBL | Phnom Penh | FGD |
| Hom Chinda | | LBL | Phnom Penh | FGD |
| Khun Ny | | LBL | Phnom Penh | FGD |
| Tep Peari | | BWTUC-GA | Phnom Penh | FGD |
| Yan Thy | | BWTUC-GA | Phnom Penh | FGD |
| Sour Chhlogn | | BWTUC-GA | Phnom Penh | FGD |

ANNEX II: Summary of activities of Field Work (November 2011)

| Activity | Date, schedule and venue | Participants | Facilitator/Interviewer |
|------------------------------|----------------------------------|--|-----------------------------|
| Key informant (KI) Interview | 5 Nov, Quezon City, Philippines | Bro. Floro Francisco, LO-Norway Regional Project Coordinator | Verna Dinah Q. Viajar (VQV) |
| KI interview | 10 Nov, Makati City, Philippines | Bro. Van Thol | VQV |
| Group interview | 16 Nov, Phnom Penh, Cambodia | Sis. Shelly Woyla, BWI Regional Education Officer; Bro. Sothea Siv, BWI Project Coordinator in Cambodia | VQV and Sreang Chheat (SC) |
| Group interview | 16 Nov, BWTUC office, Phnom Penh | Bro. Van Thol, 1 st Vice-Pres. ; Bro. Sok Kin, 2 nd Vice-Pres. | VQV and SC |
| KI interview | 16 Nov, Phnom Penh | Bro. An Nan, Arbitrator | VQV and SC |
| KI interview | 16 Nov, Phnom Penh | Bro. Sovandhet, BWTUC President | VQV and SC |
| KI interview | 17 Nov, CLC office | Bro. Ath Thorn, CLC President | VQV and SC |
| Site visit of a construction | 17 Nov, LDL construction site | | VQV and SC |
| KI interview | 17 Nov, CLEC office | Bro. Tola Moeun, Labor Program Director | VQV and SC |
| FGD with BWTUC members | 17 Nov , BWTUC office | 11 pax | VQV and SC |
| KI interview | 18 Nov, Arbitration Council | Ms. Bo Chan Veasna, AC Head of Secretariat | VQV and SC |
| KI interview | 18 Nov, ACILS | Mr. David Welsh, | VQV and SC |

| | Cambodia | Country Director | |
|---|---|---|------------|
| KI interview | 18 Nov, Provincial Ministry of Labor of Siem Reap | Mr. Im Sarin, Deputy Program Head, Provincial Ministry of Labor | VQV and SC |
| Site visit | 19 Nov, Taprom Temple Restoration Site | | VQV and SC |
| FGD with BWTUC members in Siem Reap | 19 Nov, BWTUC-SP office | 9 pax | VQV and SC |
| FGD with BWTUC leaders in Siem Reap | 19 Nov, BWTUC –SP office | 5 pax | VQV and SC |
| Meeting with BWI and BWTUC leaders in Siem Reap | 20 Nov, Siem Reap | Sis. Shelly Woyla and Bro. Sothea Siv of BWI; Chhenglang Ken and the treasurer of BWTUC | VQV and SC |
| KI interview | 21 Nov, ILO office, Phnom Penh | Bro. Vathanak | VQV |
| Site visit | 21 Nov, Khampot | | SC |
| FGD with union members in Khampot | 21 Nov, Khampot | 5 pax | SC |

ANNEX III: Additional comments after the Field Work Program

Below are some observations during fieldwork as to what extent union leaders at the national and local levels and their members have perceived success of the program during the period under review as against the program objectives set forth in the program document.

1. CFBW and CCFTU had created mechanisms and processes towards the formation of the new federation leading to the formation of the new federation.
 - a. The merger of CFBW and CCTUF in late 2009 was a historic turning point for trade union movement in Cambodia in general and unions in the building and wood sector in particular. Both CFBW and CCTUF were foreseeing a stronger union in this sector to represent workers, most of whom are unregistered, mobile and seasonal in nature. The preparation stage was considered as viable, participatory, democratic leading to the formation of BWTUC. Three committees were created and assigned tasks to fulfil their roles as part of the preparation for merger. As a result, a constitution and bylaw of the organization was formulated and an organizational structure was put in place. However, to prevent any unnecessary obstacles that might have stood in the way to the merger, the first generation of leaders with the first 4 years of mandate were self-appointed rather than elected by its members. The election will be expected to happen only after the first mandate comes to an end.
 - b. The merging model is regarded as a breakthrough in union movement in Cambodia and even in Cambodian political culture. The voluntary merger of two organizations working in the same sector, who usually compete with one another over membership and/or resource, is rare in the union movement and even almost non-existent in the political arena. This modality is believed to set precedent for unions in the same or different sectors so that they can strengthen themselves by merger or solidarity.

2. Various organizing modalities, negotiating instruments and appropriate services for members are developed and implemented;
 - a. It is observed that success has been made with regard to organizing, negotiating and providing services to union members. Workers in the building and wood sector are known for their project-based and mobile, seasonal nature with exception of some who are employed at the internationally-operated building or renovation projects at Angkor sites. The nature of work in this sector thus poses a great deal of challenge for its organizing efforts. It is admitted that membership in BWTUC is highly fluctuating and thus a clear organizing strategy has to be crafted accordingly. Given this situation and learning from its predecessors' experience in working with construction workers at the temple sites and cement manufacturing companies, BWTUC has decided to shift efforts to organizing workers at the longer-term construction projects. As implementation of this strategy remains in its early stage, it is hard to evaluate its effectiveness.
 - b. On the negotiating aspect of their project, BWTUC seems to be in the early stage of consolidation. Negotiating with employers in Cambodia remains a challenge for not just for unions in the construction sector but in the industry sector as a whole. CBA at EFEO that was signed years ago is a successful past experience for BWTUC to learn from so that more of this can be sought at other sites. Even though without CBA, some members of BWTUC manage to have their interest and rights be protected. In the case of World Monument Fund (WMF) project, for example, unionized workers could manage to negotiate verbally with the employers for the respect of their rights and improve the working condition at the workplace.
 - c. Based on our discussion during the fieldwork, services to union members have been limited to training on labour law, worker rights, organizing, and leadership. Most of the informants have shown that they have been invited to training provided by BWTUC even though the frequency varies from worker to worker. And they have learned from their participation in the training.
3. CCTUF and CFBW had stabilized its core organizational members, i.e. unions and/or workers organized in the previous project cycle are maintained as founding members of the new federation.
 - a. During the project cycle under review, there has not been reported organizational unrest between or among members of the predecessor unions that created BWTUC. However, it is very hard for unions to keep their members after BWTUC was formed mainly due to workers' mobility and engagement in short-term construction projects. It is observed that petty suspicion on the true nature of the merger is lingering, but its magnitude could not do much damage to the unity among the two federations.
 - b. It is almost clear that solidarity within the leadership of the new federation is in upheaval. While the Board's decision to suspend Mr. Sok Sovandeith from his presidency until his term comes to an end can be justified with reference to the statutory decision making process enshrined in BWTUC's bylaw or as some would claim it as a personal issue, the case can be possibly taken, especially at this stage of development of the BWTUC, by CFBW's former members as a breach of trust between the two federations and can possibly lead to growing mistrust within the leadership of BWTUC.

4. Trained political leaders are demonstrating basic skills on trade union leadership and management; education and training activities and campaigning, organising and negotiating.²
 - a. Success in this area is attributed to the efforts the project during the last three years. Capacity building for political leaders, local union leaders and members has received special treatment from the project in addition to sharpening skills in advocacy, education, and organizing either formal or on-job-training basis. It is observed that political leaders are very confident in their skills on education and training, organizing and union management. However, in the area of campaigning or advocacy, there seems to be a consensus that their capacity remains so low that it needs to be further harnessed.
 - b. Leadership and management skill remains a challenge for political leaders of the unions. Some leaders exhibit lack of clarity on their roles and functions in the leadership structure. Also, there seems to be a limited understanding of team work and conflict resolution mechanism within the organizational structure. There is a call for more capacity building for proposal writing, project management, and team building.
 - c. English language is perceived as a critical barrier for them to work effectively in the field of networking, communication, and campaigning on issues of interest to their members. It is also an obstacle for them to reach to potential partners from within and outside Cambodia to assist in building a stronger union in the building and wood sector and diversifying their source of funding. Though a few of them have enough language proficiency to communicate at least verbally.

² 2008-09 application

ANNEX IV: BWTUC Federation level profile database

**Baseline Data Instrument at Federations Level
For LO-Norway Evaluation project
October 2011**

| | | | | | | |
|--|----------------------------|----------|------------------|--------|-----------------|--------------|
| Name of Federation/Alliance: Building and Wood Workers Trade Union federation of Cambodia (BWTUC) | | | | | | |
| International Affiliation, if any: Building and Wood Workers' International (BWI) | | | | | | |
| Mailing Address of the Federation/Alliance: bwtuc@yahoo.com | | | | | | |
| Tel. No.: | (855)23 884 439,63 760 457 | Fax No.: | (855) 63 760 457 | Email: | bwtuc@yahoo.com | Website: N/A |
| | | N/A | | | | No |

| Membership Profile: | | | | Number of Chapters: | | |
|--|-------|-----|-------|----------------------------|-------|--------------|
| Name of Chapters: | Total | Sex | | Age | | |
| | | Men | Women | 15-35 | 36-59 | 60 and above |
| 1. Handicraft Worker Trade Union of Artisan (HWTUA) | 514 | 190 | 324 | 474 | 40 | 0 |
| 2. Angkor Preservation Workers Trade Union of EFEO (APWU-EFEO) | 234 | 234 | 0 | 89 | 122 | 23 |
| 3. Angkor Preservation Workers Trade Union of World Monument Fund (APWU-WMF) | 76 | 75 | 1 | 35 | 41 | 0 |
| 4. Angkor Preservation Workers Trade Union of India Cambodia Cooperation Project (APWU-ICP) | 163 | 157 | 6 | 91 | 72 | 0 |
| 5. Angkor Preservation Workers Trade Union of APSARA Authority (APWU-APSARA) | 171 | 46 | 125 | 110 | 56 | 5 |
| 6. Democratic Workers Union of Thai Bun Roong (DWU- Thai Bun Roong) | 244 | 244 | 0 | 150 | 89 | 5 |
| 7. Building Workers Trade Union of Kampot-Cement (BWTU-K-Cement) | 240 | 225 | 15 | 175 | 64 | 1 |
| 8. Building and Wood Workers Trade Union of Cambodia Railway Rehabilitation Project (BWTU-CRP). | 168 | 168 | 0 | 112 | 55 | 1 |
| 9. Building Workers Trade Union of LBL (BWTU-LBL) | 52 | 45 | 7 | 34 | 16 | 2 |

| | | | | | | |
|---|------|------|-----|------|-----|----|
| 10. Building Workers Trade Union of Koh Pech (BWTU-KP) | 67 | 38 | 29 | 46 | 20 | 1 |
| 11. Building Workers Trade Union of CPAC-Monier (BWTU-CPM) | 28 | 28 | 0 | 20 | 8 | 0 |
| 12. Community Construction Workers Union (CWU) | 232 | 172 | 60 | 191 | 41 | 0 |
| Totals | 2189 | 1622 | 567 | 1527 | 624 | 38 |

| Membership Profile by Year: (2007-2011) | | | | |
|--|--------------|--------------|---------------------|---------------|
| 2010-2011 | 15-35 | 36-59 | 60 and above | Totals |
| Male | | | | 1622 |
| Women | | | | 567 |
| Totals | 1527 | 624 | 38 | 2189 |
| 2009-2010 | 15-35 | 36-59 | 60 and above | Totals |
| Male | | | | 3863 |
| Women | | | | 1850 |
| Totals | | | | 5713 |
| 2008-2009 | 15-35 | 36-59 | 60 and above | Totals |
| Male | | | | |
| Women | | | | |
| Totals | | | | |
| 2007-2008 | 15-35 | 36-59 | 60 and above | Totals |
| Male | | | | |
| Women | | | | |
| Totals | | | | |

| Membership by Sub-sector: | Number of Members | Sex | | Age | | |
|---------------------------|-------------------|------|-------|-------|-------|----------|
| | | Men | Women | 15-35 | 36-59 | Above 60 |
| Building | 1236 | 1133 | 103 | 748 | 456 | 32 |
| Building Materials | 268 | 253 | 15 | 195 | 72 | 1 |
| Wood | 514 | 190 | 324 | 474 | 40 | 0 |
| Forestry | 171 | 46 | 125 | 110 | 56 | 5 |
| Allied Sectors: | | | | | | |

| | | | |
|---|---------------------------------------|--|---|
| Organizational Structure: | | | |
| Frequency of Congress/Convention: | | 4 years mandate (9 November 2009) | |
| Representation: <input checked="" type="checkbox"/> Proportional representation <input type="checkbox"/> Fixed number of delegates | | | |
| Are the Federation plans presented? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Are the Federation budget presented? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Profile of Organizational Structures in the Local/Chapter Level: | | | |
| Union Member / Affiliate | Frequency of local general assemblies | Total Members | Attendance in last Federation General Assembly (% of total) |
| 1. Handicraft Worker Trade Union of Artisan (HWTUA) | 2 years mandate | 502 | |
| 2. Angkor Preservation Workers Trade Union of EFEO (APWU-EFEO) | 2 years mandate | 173 | |
| 3. Angkor Preservation Workers Trade Union of World Monument Fund (APWU-WMF) | 2 years mandate | 46 | |
| 4. Angkor Preservation Workers Trade Union of India Cambodia Cooperation Project (APWU-ICP) | 2 years mandate | 83 | |
| 5. Angkor Preservation Workers Trade Union of Sophia (APWU-Sophia) | 2 years mandate | 30 | |
| 6. Angkor Preservation Workers Trade Union of India Cambodia Cooperation Project (APWU-WFCUA) | 2 years mandate | 13 | |
| 7. Angkor Preservation Workers Trade Union of Apsara Authority (APWU-APSARA) | 2 years mandate | 97 | |
| 8. CWU-AGR | 2 years mandate | 95 | |
| 9. Cambodia National Construction Workers Union of Borei Spheak Mongkol | 2 years mandate | 318 | |
| 10. Cambodia National Construction Workers Union of Koh Pech Construction Site. | 2 years mandate | 410 | |
| 11. Cambodia National Construction Workers Union of Borei Sen Monorom | 2 years mandate | 187 | |
| 12. Cambodia National Construction Workers Union in Kandal Province | 2 years mandate | 333 | |

| | | | |
|--|-----------------|-----|--|
| 13. Cambodia National Construction Workers Union of Sovannachak Construction Site. | 2 years mandate | 159 | |
| 14. Cambodia National Construction Workers Union of Borei Kang Meng | 2 years mandate | 156 | |
| 15. Cambodia National Construction Workers Union of Boeung Trabek | 2 years mandate | 290 | |
| 16. Cambodia National Construction Workers Union of Borei Ekkareach II | 2 years mandate | 200 | |
| 17. Cambodia National Construction Workers Union of Naga World construction Site. | 2 years mandate | 150 | |
| Total number of members with Annual Plans presented to GAs: | | | |
| Total number of members with Annual Budget presented to GAs: | | | |

Note: BWTUC is the merged of CCTUF, CFBW and Construction union affiliated to CLC. Therefore, Attendance in last federation general assembly was determined by the congress committee with 125 from CCTUF, 125 from CFBW and 50 from CLC construction affiliated. However, with 30 paid due member have 1 vote delegation.

| | | | | | |
|--|---------------------|--|-------------------------|---|------------------------|
| Federation Dues System: | | | | | |
| <input type="checkbox"/> Percentage System | | Monthly dues collected: 2000 Riel per member | | | |
| <input checked="" type="checkbox"/> Fixed Amount | | | | | |
| Total no. of dues-paying local unions: | | Members: | | 576 | |
| Total no. of non dues-paying local unions: | | Members: | | 1613 | |
| Total no. of local unions w/ fixed rate: | | All | | Members: 2189 | |
| Total no. of local unions w/ percentage system: | | N/A | | Members: N/A | |
| Registered dues-paying members to Federation: | | 70% | | % of Total 70% of total due collected in local unions | |
| Profile of local union Level Dues System: | | | | | |
| Local union | System (fixed or %) | Dues Paying Members | Non Dues-Paying Members | Amount Retained by Local | Amount Remitted to Fed |
| 18. HWTUA | Fixed | 200 | 314 | 30% | 70% |
| 19. APWU-EFEO | Fixed | 234 | 0 | 30% | 70% |
| 20. APWU-WMF | Fixed | 45 | 31 | 30% | 70% |
| 21. APWU-ICP | Fixed | 94 | 69 | 30% | 70% |

| | | | | | |
|------------------------|-------|-----|-----|-----|-----|
| 22. APWU-APSARA | Fixed | 87 | 84 | 30% | 70% |
| 23. DWU- Thai BunRoong | Fixed | 150 | 94 | 30% | 70% |
| 24. BWTU-K-Cement | Fixed | 0 | 240 | 30% | 70% |
| 25. BWTU-CRP | Fixed | 0 | 168 | 30% | 70% |
| 26. BWTU-LBL | Fixed | 0 | 52 | 30% | 70% |
| 27. BWTU-KP | Fixed | 0 | 67 | 30% | 705 |
| 28. BWTU-CPM | Fixed | 0 | 28 | 30% | 70% |
| 29. CWU | Fixed | 0 | 232 | 30% | 70% |

| Bargaining Structure (in the Formal Sector): | | | | | | |
|---|---------|------------------|---|-------------------------|-------|----------|
| Number of local unions with CBA: 1 | | | | Members covered: 234 | | |
| Number of local unions without CBA: 11 | | | | Number of members: 1959 | | |
| Profile of bargaining structure of local union members: | | | | | | |
| Local union | Members | Bargaining Panel | | | | |
| | | Sex | | Age | | |
| | | M | W | 15-35 | 36-59 | Above 60 |
| 1-APWU-EFEO | 234 | 234 | 0 | 89 | 122 | 23 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| Profile of Companies with Collective Bargaining: | | | | |
|---|--------------------------|-------------------------------|------------------|------------------|
| Name of Union | Business Name of Company | Name of Owning Company | Date of Last CBA | Date of next CBA |
| 1. APWU-EFEO | EFEO | Ecole France D'Extreme Orient | 15 December 2006 | 15 December 2012 |
| 2. | | | | |

ANNEX V. Some photos during the site visits



Lodging of construction workers at Sokha Construction Site, Phnom Penh



Worker at the Taprom Temple Restoration Site, Siem Reap