



Charter **D**emand of

Women Entertainment Workers

BACKGROUND

The Charter of Demand (CoD) is a very important activity in the project that gives the opportunity for women workers to meet and discuss their issues, gaps in laws and policy implementation, and it enables workers to dialogue with relevant stakeholders. According to the survey and group discussion on the Demand by CFSWF in 2021 with 90 (49F) entertainment workers and the validation workshop of the Charter of Demand with 22 (19F) on 23 February 2024, the entertainment workers identified key issues and solutions related to rights at work to dialogue with relevant stakeholders .

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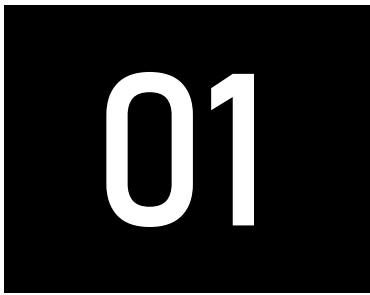
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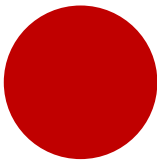
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Workers and **Their**
Rights



Working Conditions



Occupational Health,
Safety and Security



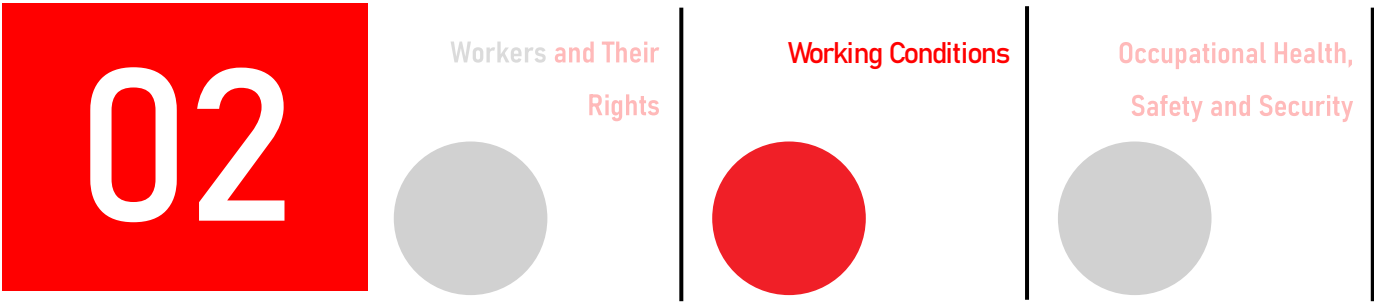
WORKERS AND THEIR RIGHTS

1. The workers are unable to access to maternity leave and benefits in accordance with the Cambodian Labour Law. There are no nurseries or daycare centres for women workers to place their children thus the women have to bring their children to their relative or hire someone or taking turns with family member to look after the children.

2. There is a urine examination based on superstitious reasons continue happening. (It is the discrimination against the pregnant women. If the women
- want to have a child, they have to resign from their job. Most of them were forced to quit their job during pregnancy leading to loss income and job.

3. There are many issue of the violence, sexual harassment, discrimination, insults, coercion, threats from guests or/and supervisors who discriminate on status of job of the entertainment workers, and it is continuing happen everywhere (KTV).

4. The Collective Bargaining Agreement to resolve workplace issues is yet fully implemented.
5. Workers face challenges in forming a union at work and excising their right to union because of the Law on Trade Union (2016) makes it difficult for employees to exercise their rights. After forming a union, this law requires workers to notify the owner of restaurants and Karaoke (KTV) which could result in their termination in forming a union. The process of registering a union takes a long time and requires the resources and materials.



WORKING CONDITIONS

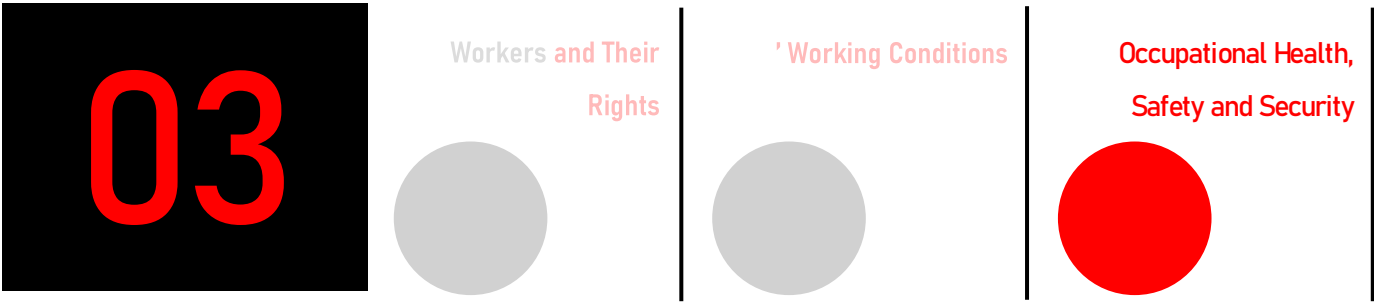
1. Most business owners have not yet registered the National Social Security Fund (NSSF) card for the employees.
2. There are many workers do not have residential or family book in Phnom Penh, which makes it difficult for them to get registered for the Health Equity Fund Cards, and it takes long process to register and get Health Equity Fund Cards.
3. The workers do not receive paid leave as guaranteed by Cambodian Labour Law such as weekend, public holiday and annual leave, sick leave, paternity leave and other special leave.

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4. There is no consistent monthly income because the wage is often deducted. Some business owners pay between \$50 and \$70, with a deduction of \$10 for each day off. The majority of workers do not have monthly wage and are paid based on tips, percentages, or number of targets met. The time in is fixed, but there is no restriction for the time out and no overtime payment provided.

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OCCUPATIONAL HEALTH, SAFETY AND SECURITY

1. When worker get accident, it is a personal burden for workers because most of the employers have not registered workers as NSSF members yet.

2. There is a limitation to labour safety and health from labour inspectors. The workplace have no standard for safety, safety checkpoints,

fire hoses, safety systems such as fire alarms, and no distinct emergency assembly area. In some cases, when an accident occurs, it is the workers' responsibility and there is no first aid kits available.

3. Women entertainment worker face with physical health difficulties and stress

from being forced to drink beers and alcohol. The employers set the target on the amount that the customers have to spend.

4. The accessibility to education and awareness raising for workers on occupational health and safety in the workplace are still limited.



Source: CFSWF

RECOMMENDATIONS



RELEVANT MINISTRIES

1. To reinforce the Cambodian Labour Law and ensure decent working conditions such as right to annual leave, maternity leave and other benefits for entertainment workers; and guarantee that there are no deductions on wages during annual and sick leave.

2. To strengthen the monitoring and labour inspection measures at all entertainment firms by improving the quality of labour inspector monitoring and carrying out regular labour inspections with reports and specific recommendations to employers and put in place the protection mechanisms against forced abortion and dismissal of pregnant women workers

and other forms of discrimination against pregnant women.

3. To monitor and set working hours for 8 hours per day for the entertainment workers. If there is an overtime, the employer must ensure that overtime payment is paid to workers according to the Cambodian Labour Law.



4. TO ISSUE THE PROTECTION MEASURES ON THE RIGHT TO UNIONIZE

according to International Covenant on Economic Social and Cultural Rights, cooperate with independent unions and participate in social dialogue with workers and union in the process of drafting laws and policies, especially the policy makers and law enforcement officer to understand workers' needs, concerns and barriers.

- 5. The Ministry of Labour and Vocational Training to take measures against employers who have not yet registered workers for the NSSF member and urge entertainment business owner to register and pay NSSF for workers.
- 6. To share the information and the use of the NSSF mechanism and enable workers to obtain ID cards in collaboration with the union and the NSSF by conducting a specific census of the workers in the entertainment firms.
- 7. To establish regularly dialogue with entertainment business owners, unions, and workers.

- 8. To ensure the full exercise of rights by strengthening the civic space, unions, workers on the fundamental freedoms, freedom of expression in the campaign to end violence against women and discrimination on job status in communities and in public places.
- 9. To adopt policies that require all entertainment establishments to develop policies that report all forms of harassment and violence against women, while taking into account the workers' rights, welfare and dignity.
- 10. To increase the dissemination mechanisms supporting workers' rights, workplace health and safety, emergency safety checkpoints and equipment.

- 11. The Ministry of Labour and Vocational Training and related ministries shall establish nurseries for children from 18 months of age; establish and expand community kindergartens in all communes / Sangkats, taking into account all aspects, mainly the health and safety of women entertainment workers.
- 12. Review and amend the Law on Trade Union in accordance with the Cambodian Constitutions, the ILO convention, and the ICCPR to ensure freedom of association and expression, union formation, and Collective Bargaining Agreement (CBA).



WE DEMAND



13. The Royal Government of Cambodia to ratify ILO Convention No.183 on Maternity Protection, No. 190 on the Elimination of Violence and Harassment in the World of Labor, ILO No.144 on Tripartite Consultation.

RECOMMENDATION

TO

EMPLOYERS

1. To cooperate with the competent authorities and unions to intervene, in collaboration with other institutions to intervene and establish mechanisms in entertainment establishments to support workers' rights and ensure workplace health and safety, especially the mechanism for reporting and responding to complaints of violence and sexual harassment.

2. To recognize the rights of women entertainment workers, protecting their rights against being forced to resign during an unpaid pregnancy and unpaid childcare, and superstition about pregnant workers as well as preventing discrimination against pregnant women in the workplace.

3. To provide a safe and friendly environment for the establishment of trade unions, free from discrimination, which is a fundamental rights guaranteed by ILO Conventions 87 and 98 that Cambodia has ratified.

4. Actively participation in collective bargaining process to resolve workplace issues.

5. Respectively adhere to the Ministry of Labour and Vocational Training's announcement regarding registration of the National Social Security Fund (NSSF) for unregistered workers and social security system registration for pensions fund for those who have already registered for the NSSF.

6. To implement preventive measures to protect women workers from violence, harassment, and pressure to consume beer and alcohol and should not set the target on the amount spent by guests.
7. Avoiding deduction salary from workers when they are on sick leave, weekend and public holidays and on paid maternity leave in accordance with the Cambodian Labour Law.

RECOMMENDATION TO

UNION

1. To represent workers and be the voice of workers in urging employers to respect freedom of association, and labour rights.

2. To advocate for the Royal Government of Cambodia to comply with Cambodia Constitution article 37 on right to peaceful assembly, International Covenant on Civil and political Rights article 19 freedom of expression and assembly, International Convention on Economic Social and Cultural Rights article 7&8 right to work and form the union and the Universal Declaration of Human Rights (UDHR) article 23.

DEVELOPMENT PARTNERS

1. To provide financial, technical and material support to unions who protect right to work, right to unionize and peaceful assembly and freedom of expression.

2. To encourage the Royal Government of Cambodia to support trade union to exercise rights to strike and peaceful assembly especially support women worker activists to exercise their rights.

3. To encourage and support the Royal Government of Cambodia to have a social dialogue with unions and worker to consult on policy and law.

4. To encourage and support the Royal Government of Cambodia implements the Cambodian Labour Law and the International Labour Convention, which Cambodia had ratified.

5. To encourage and support the Royal Government of Cambodia to address labour resolution, collective bargain and Arbitration council effectively and improve the procedure of trade union registration and improve transparency of union registration without any kind of discrimination against the independent union.

ENTERTAINMENT WORKERS

1. To raise the concerns on their labour rights to the relevant stakeholders to address the needs and suggest solutions.
2. To actively participate and build capacity, knowledge, learn additional skills, receiving information to strengthen power and credibility.
3. To share knowledge and information to their co-worker and network as much as possible for unity in the team.
4. To build relationships and communication with respect and compassion for each other and unions.
5. To participate in social movement activities to strengthen the courage to overcome the fears to address the challenges and seeking for solutions.
6. To speak up to address the labour rights situation in the workplace to lawmakers and law enforcement, and other stakeholders to call for solutions.
7. To form an independent union to reunited workers for better and systematic solutions.



CASE STUDY:



Ms Roeung Srey Nang

Strengthening Women Workers' Capacity to Network and Lead

Cambodia Food and Service Federation (CFSWF) works closely with entertainment workers in Phnom Penh and Kandal province. From the mobilization and network meetings, the entertainment workers shared that they have yet to fully exercise their rights to maternity benefits in accordance with Cambodian Labor Law.

The daycare centers for women workers to place their children are not available at the workplaces. The entertainment workers are forced to do urine examinations by the employers based on superstitious reasons. Additionally, the discrimination against pregnant women gets worse. When a female worker wants to have a child, she must resign from the employment. Unfortunately, this has caused many of them to quit their employment during. The entertainment workers have faced many issues like violence, sexual harassment, discrimination, insults, coercion, and threats from guests and supervisors, and these issues are happening in every entertainment firms. Additionally, the Collective Bargaining Agreement, worker organization, and union registration are not yet fully implemented.

While implementing the project “Enhancing Inclusive Social Protection and Decent Work for Women Workers in Cambodia” supported by the Australian NGO Cooperation Programme (ANCP) via ActionAid Australia, the CFSWF colleagues mobilize workers to participate in workshops, stakeholder dialogues and provide capacity training on social movement, unionization, social protection, labour and union rights, Gender-based Violence and Harassment (GBVH), safety and health.

An entertainment worker, Ms Roeung Srey Nang, 28-year-old, is engaging in many activities of the project such as the Stakeholders Dialogue where the workers can raise their concerns on social protection and assistance to seek intervention from government officials. Srey Nang is now confident to talk about her problems in public events where the government and others can hear and understand her concerns. Additionally, Srey Nang always has the courage to raise issues, to negotiate with the KTV employer and to share knowledge that she learned to other members.

In August 2023, Srey Nang mobilized the women workers located in Sen Sok and Takhmao districts for the union election for a three-year mandate. She is elected to be a Vice President of the Takhmao Trade Union. Srey Nang said, “I think it is good when we are united as a union. When we have problems, we can discuss and help each other”. Srey Nang formulated the network and got to know other workers from many KTVs in her areas and shared about the benefits of Health Equity Fund Cards which is a social health protection financing mechanism that enables certain target groups (entertainment workers) to access free healthcare services at public health center. Previously, Srey Nang and the team members engaged with Commune staff to request the Health Equity Fund Cards for 7 members. Although the Health Equity Fund Cards issued by Prakas No. 02 are not fully implemented, the entertainment workers hope to see the union united and formulated and can raise their voices to urge the government to implement Health Equity Fund Cards and bring the entertainment workers' issues into their agenda.

PROJECT: “ENHANCING INCLUSIVE SOCIAL PROTECTION AND DECENT WORK FOR WOMEN WORKERS IN CAMBODIA”

is implementing in Phnom Penh Municipal from 1st June 2022 to 31st June 2025 supported by the Australian NGO Cooperation Programme (ANCP) via ActionAid Australia. This project is implemented by ActionAid Cambodia in partnership with Cambodian Alliance of Trade Unions (CATU), Independent Democracy of Informal Economy Association (IDEA) and Cambodia Food and Service Federation (CFSWF). This project builds women workers’ knowledge and capacity to advocate for policy and practice reform at workplace to improve wage, labour rights and working conditions and access to social protection of formal and informal economy sectors.

The project aims to meaningfully engage and facilitate leadership of women workers in the formal and informal economy in the decent work agenda (including claiming their rights at work) and inclusion in social protection.



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