

Transparency Factsheet

I. Low Compliance Factories

Low Compliance factories are those falling two standard deviations below the mean for compliance on 52 key issues among all factories with three or more Better Factories Cambodia assessments. Results will be based on assessments no older than 12 months and factories can request one BFC verification visit before their factory information being disclosed on the website. The unannounced verification visits usually take place 60 days after the final reports had been published.

For factories which fall in the low compliance category for the second time in a row, a joint-meeting between factory management, officials from the Ministry of Labour, the Ministry of Commerce and BFC's representatives will be held to discuss the non-compliant points, to find solutions and to seek commitment from factory management in improving the issues.

A legal strike shall be declared according to the procedures set out in the union's statutes, which must state that the decision to strike is adopted by secret ballot. A prior notice of at least seven working days shall be made to the enterprise or establishment. The prior notice must also be sent to the Ministry in Charge of Labour. The prior notice must precisely specify the demands which constitute the reasons for the strike (Cambodian Labour Law Art. 323-329).

II. Requirements for a legal strike

Strike information in the Transparency is extracted from the BFC's final assessment reports of factories where strike took place. The assessment reports contains information related to the practices of unions and worker's representatives in organising and managing strikes, reflecting the above legal requirements. The following information are reported in the reports:

- Attempt to settle the dispute using other peaceful methods first;
- Approve the strike by secret ballot;
- Provide 7 days prior notice to management and;
- Provide 7 days prior notice to Labour Ministry;
- The union has formal MRS status

III. Critical Issues and 52 Issues covered by the BFC's assessment reports

All factories are measured against all 52 issues: (21 “Critical Issues” plus 31 additional “Low Compliance Issues”). The table below provides information about each compliance points, clusters, questions used during the assessments, and relevant legal references.

No.	Cluster	Critical Issues	Star Questions	Legal Reference
1	Fundamental rights	Child labour is not found, or (where confirmed) is remediated	Have you found any workers under the age of 15?	C 138; LL 177(1, 4) P 307/07
2	Fundamental rights	No forced labour	Does the employer restrict workers' freedom to come and go from the dormitories and/or the industrial park or zone in which the factory is located?	C29, C1, LL 15
3	Fundamental rights	No discrimination against workers during hiring, employment, or termination based on their race, colour, sex, religion, creed, ancestry, social origin, or political opinion	Do recruitment materials such as job announcements or job application forms refer to the applicant's race, colour or origin, gender, religion or political opinion? Is race, colour or origin, gender, religion or political opinion a factor in hiring decisions, conditions of work, pay, opportunities for promotions/training, ? Is there harassment of workers on the basis of race, colour or origin, religion or political opinion? Is gender a factor in the employer's decisions regarding termination or retirement of workers? Does the employer terminate workers who are pregnant (or workers who are on maternity leave) or force them to resign? Are workers subject to sexual harassment?	C111; C100; LL Art. 12, 182
4	Fundamental rights	Women workers are not dismissed or forced to resign due to pregnancy	Does the employer terminate workers who are pregnant or force them to resign?	LL 12; ILO C111
5	Fundamental rights	Women workers are not dismissed, and their employment status or seniority is not changed during maternity leave	Does the employer terminate workers who are on maternity leave or force them to resign?	LL12, 169, 182, C. 111
6	Fundamental rights	No sexual harassment	Are workers subject to sexual harassment?	LL 172, C. 111; C100. LL 12
7	Fundamental rights	Men and women doing work of equal value receive different pay	Are men and women doing work of equal value, but receiving different pay?	LL 12, C. 100
8	Fundamental rights	No discrimination against any worker due to the worker's union membership or union activities (during recruitment, employment or termination)	Does the employer punish workers for joining a union or engaging in union activities? Does the employer threaten, intimidate, or harass workers who join a union or engage in union activities? Has the employer terminated any worker or not renewed their contract due to the worker's union membership or activities?	C98; LL Arts. 12, 279

9	Fundamental rights	Workers can freely form and join trade unions of their choice	Can workers freely form and join trade unions of their choice?	LL 266, 271, C.87
10	Fundamental rights	The employer has not taken steps to bring the union(s) under its control	Has management taken steps to bring the union(s) under its control?	LL 280, C.87
11	Fundamental rights	A worker's job is not dependent on the worker not joining a union	Is any worker's job dependent on the worker not joining a union?	LL 271
12	Fundamental rights	Management does not interfere with workers or unions when they draw up their constitutions and rules, hold elections, or organize their activities, administration or finances	Does management interfere with workers or unions when they draw up their constitutions and rules, hold elections, or organize their activities, administration or finances?	C 38; LL 177(1, 4) P 307/07
13	Fundamental rights	Workers are free not to join a union	Are workers free not to join the union(s)?	LL 273
14	OSH/Emergency	Regular emergency evacuation drills (every 6 months)	Does the employer conduct periodic emergency drills?	LL 12, C.111
15	OSH/Emergency	Emergency exits are unlocked during work hours	Are the emergency exits locked during working hours, including overtime?	LL 12; ILO C111
16	OSH/Emergency	Sufficient number of emergency exit doors	Are there enough emergency exits?	LL12, 169, 182, C. 111
17	OSH/Emergency	Proper guards installed on all dangerous moving parts (not including needle guards)	Are guards properly installed and maintained on all dangerous machines and equipment?	LL 172, C. 111; C100. LL 12
18	OSH/Emergency	Water for drinking is clean and sufficient	Does the employer provide workers enough free safe drinking water?	LL 12, C. 100
19	Wages	Minimum wages are paid correctly for all types of workers	Does the employer pay at least minimum wage for ordinary hours of work to regular full time workers? Does the employer pay at least minimum wage for all types of workers other than regular workers?	LL 271
20	Wages	Overtime wages are paid correctly for all types of workers	Does the employer pay workers 150% of their normal wage for all ordinary overtime hours worked?	LL 266, 271, C.87
21	Contracts	Management does not use fixed- term rotating contracts, or otherwise not include the entire period of continuous employment when determining workers' entitlements to maternity leave, attendance bonus, seniority bonus, and/or annual leave	Does the employer include the entire period of continuous employment when determining workers' entitlements to maternity leave, attendance bonus, seniority bonus, and/or annual leave?	LL 280, C.87
No.	Cluster	Low Compliance* (only)	Star Questions	Legal Reference
22	Fundamental Rights	Management gets permission from the labour ministry before dismissing union leaders or candidates for union leadership	Has the employer terminated a union official without getting permission from the Ministry?	LL 293, P.305/01
23	OSH/Emergency	Emergency exit doors are accessible	Are the emergency exits accessible during working hours, including overtime?	LL 230
24	OSH/Emergency	Access paths are free of obstruction	Are access paths free of obstruction?	LL 229
25	OSH/Emergency	Training to use fire extinguishers (one training/year)	Has the employer trained an appropriate number of workers to use the fire-fighting equipment?	LL 230

26	OSH/Emergency	Fire extinguishers are sufficient	Does the workplace have adequate fire-fighting equipment that is within easy reach of workers?	LL 230
27	OSH/Emergency	Electrical wires and switches are well maintained	Are electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers) properly installed, grounded (for equipment), and maintained?	LL 230
28	OSH/Emergency	Safety warnings are posted on the main electrical switch boxes	Are appropriate safety warnings posted in the workplace?	LL 230
29	OSH/Emergency	Chemicals are stored properly	Are chemicals and hazardous substances properly stored?	LL 229, 230
30	OSH/Emergency	Chemicals are labelled in Khmer	Are chemical containers properly labelled in Khmer?	LL 230
31	OSH/Emergency	Exhaust ventilation where chemicals are used	Does the factory have satisfactory exhaust ventilation in areas where chemicals are used?	LL 229, 230
32	OSH/Emergency	Proper personal protective equipment is provided	Does management provide proper clothing and equipment to workers who work with chemical substances? Does management provide workers with all necessary protective clothing and equipment?	LL 229, 230
33	Wages	Management keeps one complete and accurate payroll	Does management keep only one payroll ledger that accurately reflects the wages actually paid to workers?	LL 39-41; P 269/01; see also R. 85
34	Wages	Sunday and holiday work payments are paid correctly	Does management pay all workers correctly for work during weekly time off (Sunday)? Does management pay all workers correctly for work on public holidays?	LL 139; LL 10; LL 164; P 10/99; AC 82/06
35	Wages	Severance payments (5%) are paid correctly	Does management pay workers severance pay equal to at least 5% of the total wages paid under the contract when workers' contracts expire or are terminated?	LL 73, 89, 110
36	Wages	Required bonuses and allowances are paid correctly	Does management pay all workers who work regularly the correct attendance bonus per month and any other mandatory wage supplements (including health and transportation allowances)? Does management pay workers the correct seniority bonus? Does management pay all workers the correct meal allowance or give them a reasonable free meal if they work overtime?	N 041/11, 017/00, 745/06; AC 51/07
37	Wages	Wage deductions are legal and authorized	Does management make any unauthorized deductions from workers' wages?	LL 28, 44, 126, 127, 129; see also R. 85
38	Contracts	Workers receive clear written payslips in Khmer	Does management provide clearly written pay slips to workers?	LL 112
39	Hours	Overtime is limited to 2 hours per day and is voluntary	Is overtime voluntary, exceptional, and limited to 2 hours per day?	LL 139, 141(4); P 80/99
40	Hours	Workers are not punished if they refuse to work overtime	Are workers punished if they refuse to work overtime?	P.80/99

41	Leave	Attendance bonuses paid with authorized use of leave	Does management deduct the attendance bonus when workers take annual leave required by the law?	LL 168; N 041/11, 017/00, 745/06; AC 62/07
42	Leave	Management gives workers annual leave (paid or unpaid) or annual leave compensation	Does management give workers any annual leave at all (paid or unpaid) or any annual leave compensation? Does management give workers at least 18 days of paid annual leave each year? Does management unreasonably restrict workers from taking annual leave? Does management give workers an extra day of annual leave for every three years of service? Does management get workers' consent before converting annual leave to cash compensation?	LL 166; N.017/00
43	Leave	Unused annual leave is paid out upon termination	Does management pay workers for their accrued annual leave (when workers resign, their contracts expire, or they are terminated)?	LL 166, 167
44	Leave	Management gives workers paid sick leave	Does management give workers paid sick leave (100% pay for month 1; 60% pay for month 2; 40% pay for month 3; no pay for months 4-6)?	N 14/02; AC 26/03; MOLVT Policy
45	Leave	Women workers get at least 90 days off for maternity leave	Do women workers get at least 90 days of maternity leave?	LL 182
46	Leave	Maternity leave payments are correct	Do women workers who have worked for more than one year get paid for maternity leave?	LL 182, 183; AC 66/06
47	Leave	Workers are allowed to take special leave (paid or unpaid)	Does the employer pay workers correctly during special leave? Does the employer give workers up to 7 days of time off for special leave per year?	LL 171; P.267/01
48	Collective Disputes	Conciliation agreements are implemented (rights issues)	Has management implemented the conciliation agreement?	LL 307; P.317/01
49	Collective Disputes	Arbitration awards are implemented (rights issues)	Did management implement the arbitration award?	LL 314
50	Indecent Behaviour	Management, including line supervisors, treats workers with respect	Does management, including line supervisors, treat workers with respect?	LL 172
51	Monitoring	Monitors are allowed entry	Was the ILO monitor's access to the factory restricted in any way?	Factory and BFC MoU
52	Monitoring	All documents requested are provided	Were any documents requested by monitors not provided in a timely manner?	Factory and BFC MoU