

Alice Tsier – Final Report

My internship with the ILO Better Factories Cambodia project technically ended on August 1st. In reality, I am still involved with the project. My supervisor at the ILO is committed to publishing my report so that the findings of my research on maternity protection in garment factories can be made available to those who are also working with the garment export industry. As a result, I am still drowning in footnotes, appendices, and other revisions.

Over this summer, I've gained a lot of practical skills that I believe will serve me on any human rights project I work on in the future. I had to learn how to craft and conduct a survey; how to manage a focus group, and how to conduct interviews with government officials on sensitive topics. I've also, crucially, understood where the gaps in my practical skills are. For instance, I realize now that being unable to do any sort of basic quantitative analysis is a barrier to working on projects where I do not have a lot of support. It is also a barrier to being able to evaluate the work of other professionals in the field. I am happy that I had the opportunity to do this kind of internship early because now I still have the time to fill these knowledge gaps in. Although I do not have the space for it this year, I intend to take a class in basic quantitative analysis next year.

I also learned about the ways in which international treaties are incorporated into domestic law. In Cambodia, it is easy to get very cynical about the effectiveness of international conventions in affecting change on the ground. Nevertheless, while I was researching Arbitration Council decisions that touch on maternity leave protection, I came across a decision in which the council drew on CEDAW to rule in favour of pregnant workers. The case in question involved a group of pregnant workers who claimed that their contracts had not been renewed because they were pregnant. The union at this factory confirmed that not renewing the contracts of pregnant workers was common practice for the

employer, and sought a remedy from the Arbitration Council. The Council first looked to domestic law and concluded that although the labour law specifically protected women who were on maternity leave from discrimination, there was no such protection for pregnant women. The council then looked to CEDAW, which explicitly prohibits discrimination against pregnant women, and concluded that since Cambodia is a signatory, this prohibition was binding on Cambodian businesses and it was illegal to discriminate against pregnant women. It was heartening to see CEDAW acting as a genuine resource for a quasi-judicial body the decisions of which impact thousands of workers. This case also brought home to me the reality that while there is a lot of criticism about the ineffectiveness of international conventions, part of this criticism stems from the fact that the work of these conventions is often practically invisible. A decision of the Arbitration Council in Cambodia does not make it into headlines, but it does ultimately affect the employment security of up to 300 000 workers in the Cambodian garment industry. The impact is enormous, even if it is not highly publicized.

I was fortunate also this summer to have friends working in organizations that take a totally different approach to change than that of the ILO. While the ILO works with the government, and tries to softly push for long term improvement, these other organizations mobilize at a grassroots level, tapping into the multitude of informal networks that exist in Cambodia (moto drivers, farmers, sex workers, monks) to challenge the government head on. It was interesting to constantly be exposed to both of these techniques and to constantly be in conversation with colleagues about the benefits and pitfalls of each.

One issue that struck me as being fundamentally important (and not addressed in the aid community) was the lack of communication between businesses and educational facilities in Cambodia. In numerous conversations with managers I noted the low numbers of Khmers in management positions. The main reason, according to the managers I spoke with, was that business school grads in

Phnom Penh did not have the skills needed by the businesses investing in Cambodia. As a result, foreign companies are forced to bring in expatriate management (at a greater expense) while the local population does not accumulate the expertise that typically comes with the growth of a new industry in a nation. I would really like to return to Cambodia in the future to work on this issue because the building of local expertise strikes me as absolutely crucial if Cambodians are to reap the benefits of all the foreign investment that the ILO and the government are trying to encourage.

My experience this summer has allowed me to gain new skills as well as pinpoint skills that I need to gain. I had the chance to immerse myself in a vibrant and active aid community, and learn about its successes and failures. Finally, I walked away from this summer with several ideas about projects that I would like to return to work on. I would highly recommend the ILO in Cambodia to future IHRP interns.