

The Sound of Silence: How weak unions keep Cambodia's labor laws dormant

Calidinit Kunkim
calidinitkk@gmail.com

ABSTRACT

This research paper discusses the lack of enforcement of labor law in manufacturing industries in Cambodia, particularly in the garment sector which employs over 800,000 workers and generates \$12 billion annually in exports. This paper explains weak enforcement of Cambodia's labor laws and argues that ineffective unionisation is the primary cause. Although the unionization rate in Cambodia's garment industry is 60%, making it one of the highest in Southeast Asia, workers still face wage theft, unsafe conditions and underpaid employment. Ineffective unionization has not failed to advocate for workers rights and enforce existing laws resulting in minimal change to labor conditions in the factories. Through qualitative analysis of government reports, case studies and factory worker interviews, I contend that ineffective unionization in Cambodia stems primarily from informal employment, government-business relations, international market structure and government suppression of unionizations.

INTRODUCTION

As one of the biggest sectors in Cambodia, the manufacturing industry has faced challenges in enforcing labor laws, specifically industries such as the garment industry employing hundreds of thousands of workers each year. These garment industries have popularized due to the low labour cost and availability of workers in this field as the sector employed over 800,000 workers in 2020 (B2B Cambodia, 2022). The benefits of low labour cost come hand in hand with the mistreatment of labour workers in manufacturing industries where they face wage theft, suppressed rights and unsafe working conditions.

This paper addresses the following question: "What explains the lack of enforcement of labor laws in manufacturing industries in Cambodia?". The issue of the labor laws is critical to Cambodia especially when granted to take part in economically beneficial initiatives allowing growth on a global scale such as the "Everything but Arms (EBA)" established by the European Union. Weak enforcement of labor laws not only harms and threatens the factory workers but also puts Cambodia in a position where economic and social impacts may take place. Although formal labor laws are in place in Cambodia, their enforcement is lax, not the law itself. Thus, this essay investigates the reasons behind the ineffective application of these current laws.

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This paper aims to highlight the role of ineffective unionization as the primary cause of the lack of labor law enforcements in Cambodia's manufacturing industry, a critical issue which previous studies failed to address. Factory conditions are shaped by limited international intervention and economic pressures. This paper makes the case that ineffective unionization is the main cause of weak enforcement because it has a direct impact on accountability, reporting procedures, and bargaining power. It does this by using qualitative data from government reports and data, case studies that are readily available, and primary interviews of stakeholders.

The remainder of this paper is structured as follows: the literature review assesses existing research on Cambodia's garment sector; the theoretical framework examines the link between unionisation and enforcement; the methodology outlines data sources and interview procedures; the analysis section explores four structural causes of ineffective unionisation; and the conclusion evaluates the broader implications for Cambodia's labor future.

LITERATURE REVIEW

A report written by the Stanford Law School (Stanford, 2015) examines the lack of transparency in monitoring Cambodia's labor industries. It demonstrates how the current monitoring practices of these factories fail to capture the reality of working conditions in these factories. It advocates for stronger accountability measures to be taken from stakeholders such as businesses, governments and civil society.

Another article written by the Human Rights Watch (Human Rights Watch, 2015) mentions how there are severe labor rights abuses in the garment industry, highlighting how primarily women are faced with overtime, discrimination and unlawful practices. Although existing labor laws are present, this article states that the Cambodian government fails to enforce them effectively and both the government and international apparel brands should be held accountable. However this article does not address the main causes of why it has failed to be enforced and only mentions the manufacturing industry.

Additionally a report by Californian Journal of Health Promotion (Russell, 2006) mentions the labor right violations present in the garment industry in Cambodia. Some violations include forced overtime, unsafe working conditions and the suppression of workers to join unions. The report faults the Cambodian government and international brands due to their failed implementation of labor rights and urging international brands to implement ethical labor practices.

Although these studies provide the readers with insights of working conditions and provide us with empirical evidence of labor rights abuses, some significant gaps that they fail to address are perspectives of the workers, focusing on the root causes of the issue and the unionization of the factory workers. Without the perspectives of the workers themselves, they based their findings off of western sources with claims that are not backed up with emotional insights that would be captured if met with personally. Furthermore, most sources mention the general causes of the labor law violations but fail to mention the underlying causes contributing to the issue such as poverty and lack of education in Cambodia, without

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understanding the underlying causes and highlighting the importance of it we will not be able to find a long term solution that addresses this problem.

This paper contributes to existing scholarships by connecting weak labor law enforcement to the effectiveness of unionisation, an angle not sufficiently examined in Cambodian or ASEAN studies. Although prior research has documented violations, it does not explain why, in spite of high union membership, enforcement is still weak. This study emphasizes obstacles that weaken union power by utilizing first hand worker interviews.

This research is relevant and significant as it highlights an in depth research about the causes of the lack of enforcement of labor laws in Cambodia's manufacturing industry and utilises local perspectives through interviews that will not be hindered through language barrier. It will focus on the violations of labor laws considering the underlying causes that are defaulted in Cambodia's society. Most importantly it will also amplify and confirm the issues faced inside these workplaces that foreign sources deem to be one of the "worst" work conditions in ASEAN.

METHODOLOGY

Three primary data sources are used in this study's qualitative analysis:

1. Government reports: sourced from publicly accessible databases and the Ministry of Labor.
2. Case studies: Chosen from the manufacturing sector, particularly the garment and footwear industries which account for over 70% of the exports.
3. Interview with factory workers: two interviews were conducted first hand using snowball sampling through contacts in Kampong Cham province and Phnom Penh. I used 3 other interviews that were conducted through international news articles. All participants were from different factories in different parts of Cambodia. Whilst not fully representative of the entire sector, recurring themes across interviews increase reliability.

THEORETIAL FRAMEWORK

Effectiveness of unionization is one of the major explanations for the lack of enforcement in labor laws in Cambodia. According to the National Library of Medicine, Labor unionization in workforces is critical as it improves workers' health and safety, enhances job security and reduces inequalities (Hagedorn et al., 2016). Unionised workers often experience safer work environments due to collective efforts to enforce safety standards and advocate for protective measures. Furthermore it creates a stable work environment allowing workers to feel comfortable speaking up on concerns and issues which overall stabilise their mental health and wellbeing increasing their wages as well. Collective bargaining refers to the power of unions which significantly influences the wage negotiations and work conditions in the workforce (AFL-CIO, 2025). Some general concepts as to how and why unions form in some workplaces and not others is that most of these areas are first world countries. Developing countries tend to have less unionization in workforces due to its informality of employment, economic pressure and the

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legal/political structure in these countries. With the informality of employment, it lacks formal employee status, lacking concrete evidence such as contracts and legal recognition making it difficult to organize a union (Visser, 2019). The economic pressure and political structure of these countries also tend to barricade workers from creating unions as their sectors such as factories have high turnover rates risking them of their jobs without restrictive laws to protect them. Strong glue chemical odors, irregular overtime compensation, little break time, and stringent manager oversight were all mentioned by employees in interviews. Long periods of standing and inadequate ventilation also caused discomfort for a number of people. These specifics give a broader view of the conditions in the factory on a daily basis.

The unionization rate in the manufacturing industry in Cambodia is high compared to other sectors and other parts of the South East Asia region with 60% of its workers being union members collectively fighting for higher wages and better working conditions. However, workers are still dissatisfied with the minimum wage increase due to inflation of living cost (ASEAN Briefing, 2024). Although there are high unionisation rates in some subsectors of the manufacturing industry, working conditions and wages are still below the average reflecting the productivity of the unionization. Effective unionization is where the union has a combination of strong political power and political influence to fight for their rights. The effects of weak bargaining power can overall impact the workers due to its bias to favor employees resulting in suboptimal conditions for the workers (Krueger, n.d.). Ineffective unionisation allows the government to prioritize economic growth and political stability over the protection of workers rights. The reasons why unions are not effective in the manufacturing industry in Cambodia is due to informal employment, government-business relations, international market structure and government suppression of unionisation. Despite having a higher unionization rate (60%) than Vietnam (33%), Thailand (33%), and Indonesia (13%), Cambodian workers still face unfavorable working conditions. This contrast demonstrates that successful unionisation is not always correlated with higher membership. These conditions are reported by both unionised and non-unionised workers, suggesting that union presence alone does not guarantee meaningful protection.

Government-business Relations

The Cambodian Government maintains close political and economic ties with the Garment factory owners and the Manufacturers Association in Cambodia (GMAC) due to their interdependence on one another for economic development in return for minimal regulations and low labor cost. These close political ties allow the garment factory to bypass the laws that unions cannot retaliate due to the vulnerability of their jobs (HRW, 2015). In 2022, the manufacturing industry contributed to about 23.33% to Cambodia's GDP with the garment industry being the largest component and the leading sector (Statista, 2023). With over 74% of exports in the manufacturing sector, it values up to \$10 billion annually making it Cambodia's top industry for generating revenue.

The GMAC is an association made to represent the manufacturing association in Cambodia. With their close government ties to government individuals and ministries, it plays a significant role in shaping these governmental policies to benefit their economical gains. Due to its high contribution to the GDP, it puts them on a pedestal for political decisions and allows them to further exploit their workers without consequences. The lack of enforcement laws also build up from this issue as governments prioritize

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economic growth and political stability over the enforcement of labor rights (Ronconi, 2019). The relationship between the GMAC and the Cambodian government has been publicised vastly. An example of this is when the GMAC published an official statement in the Phnom Penh Post, urging the government to help manage the labor cost increases in Cambodia (Hor, 2017). In response to this statement, through the Ministry of Labor, the government implemented a financial aid scheme for suspended workers, allowing there to be a 40\$ increase to the factory's \$30 aid (Russell, 2023). The close ties between the government and GMAC compromises with the effectiveness of labor inspections as they may prioritise inspections on non-GMAC independent factories giving them leverage and priority. According to union leaders and observers, some factories are given advance notice of inspections, enabling modifications to working conditions. This view is widespread among employees, despite the paucity of direct documentation. The bargaining power of the workers are relatively weak compared to the governmental relation to the factory owners. The inadequacy of inspections and legal enforcement from the government due to their connections with the factory owners leave the bargaining power of the workers even weaker. Even when trying to fight for their own laborious rights, they will be overshadowed due to these relations.

This instance highlights the connection between the government and the GMAC, showcasing the response of the government to the concerns of the GMAC. This tight connection between both parties allows there to be leverage in the judicial system for the manufacturing industry. The unionization in the factories speaking up on wage increases and adequate work environment will therefore be overlooked by the government due to efforts to maintain the ties with the GMAC and worries of restraining economic growth.

Informal employments

Informal employment is when employees work without formal contracts, legal protection or social benefits often in conditions that are unsafe and unregulated. Although informal employment is less frequent in the garment industry in Cambodia due to factories primarily being monitored by international corporations, it is common in those factories that are smaller and locally owned. According to the International Labor Organization (ILO), 10-20% of garment industry workers are informally employed in Cambodia. The informal employment in unregulated factories is a main cause as to why unionization is not efficient in the garment industry in Cambodia.

Informal employment in smaller scale factories is done to cut costs such as overtime pay, paid leave and health insurance. Informal employment allows companies to save the extra costs such as the overtime pay which is a legal requirement of labor law. Severance fee is also a legal requirement under Cambodia's Labor Law (1997) article 89 stating that workers are entitled to severance pay if terminated without misconduct. Due to there having no contracts they are not obligated to give severance fees to these workers. Informal employment also allows companies to dismiss alleged legal claims made by the workers for irregular pay as they do not keep track of the number of hours those employees make. These points make them increasingly more vulnerable at their workplaces as they are more likely to face forced overtime and unsafe working conditions. The issue with informal employment is that it lacks protection of the workers. The employers can underpaid and overworked employees in critical conditions without any

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legal consequences. Their options are highly limited when their rights are violated as they have no hard evidence that they were legally contracted to that factory. It is usually done by smaller factories to accommodate the global demands for low cost production. Furthermore it is also more common due to the lack of enforcement by the labor inspectors to perform efficiently, this allows the factories to continue doing so. As specified in my interview with Mrs. Kim Yeang, a footwear factory worker in Kampong Cham, said that she makes 25,000\$ a day in her factory with no legal contracts. She works 6 days a week meaning that on average makes 650,000\$/\$160 a month. The average legal minimum wage in Cambodia is \$208 making her salary \$48 short of minimum wage (B2B Cambodia, 2022). She was only required to present her ID and family records to be employed without having to sign a contract. Mrs. Kim Yeang has also mentioned that in her sector she has to stand up for an 11 hour shift from 7am - 6pm explaining that the working conditions caused her foot to ache in the beginning but it is something that “you just have to get used to”. Such issues as these can overall affect the unionization of factories as their jobs are pliable and not set with contracts. Informal contracts are possible in these factories due to the lack of awareness of their own rights leading to exploitation and economic dependence prioritizing income over legal protection (HRW, 2015).

The act of unionization can lead to termination of the workers without legal consequences. This creates fear upon the workers to not act upon unionization due to their dependency of their jobs (Asia Floor Wage Alliance, 2016). Minimum wage workers are heavily dependent on their jobs to feed their family living off daily paychecks which they cannot afford to risk union activities that may revoke them of their salary (Center for Alliance of Labor and Human Rights).

International Market Structure

According to the Garment Manufacturers Association in Cambodia (GMAC), 95% of the garment factories are controlled by foreign stakeholders, specifically China, South Korea, and Taiwan (Vanna S, 2024). The demand of global markets and foreign owners view unionization as a threat to low labor cost in Cambodia and exploits Cambodia's economic vulnerabilities. As Cambodia's economy is heavily dependent on garment exports with over \$12 billion annually made from it annually, it fears fluctuating demands of product from international corporations (CDC, 2023). This encourages factory managers to implement anti-unionization acts to prevent the economy from fluctuating due to rises of labor cost.

An example of the threat of unionisation to international brands is H&M. According to the Asia Floor Wage Alliance (AFWA), H&M's pricing and delivery schedules pushed factories to utilize informal employment and use intimidation tactics against unionizing to keep labor cost low (AWFA, 2016). Furthermore H&M demands that their products are 2\$/unit which forces factories to keep cost low. Keeping costs low is crucial as consumers tend to want cheaper clothes therefore creating a bigger demand for “fast fashion”. The overall

international economic pressure to maintain trades overseas such as the EU Everything But Arms leads to the Cambodian government prioritizing the investors and brands over the labor rights of the workers. The EBA is a trade agreement by the European Union established to least economically developed countries. Their objective is to support LEDC by stimulating trades without tariffs and creating investment (Access2Markets, 2025). EBA allows Cambodia's manufacturing industry to be more easily exposed to the European market, however it has certain guidelines regarding the enforcement of labor laws and

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human rights standards where if not followed may be exempt from further initiatives (Russell, 2006). Since the EU has made a significant impact on Cambodia's economy with the EBA, the garment industry has been forced to keep their production cost low and enforce labor laws lightly as it makes Cambodia less competitive and lead to a decline in exports and investments. Brands frequently impose tight deadlines for these factories to meet, therefore pushing workers to work overtime and harder meeting unrealistic demands (HRW, 2015). Furthermore brands also impose threats of order cancellation if factories focus on improving the working conditions of the factory, this is because it may increase the prices of manufacturing and will drive them away to other countries/factories to produce their goods at a better price.

In the 2023 wage negotiation to the government, GMAC warned workers with global competition, mentioning if they increased the wages of the workers then it could push brands to Bangladesh or Vietnam shifting Cambodia from dominating the garment industry (Sokunthea, 2025). In addition to this, these factories can close down which results in job loss for these workers. The government has acted in previous years to suppress the unionization of workers which led to previous incidents preventing the act of unionization.

Government suppression of unionisation

Unionization is heavily frowned upon by the government and international corporations who economically benefit from exploiting low wage workers. With previous incidents as to where individuals were killed and arrested for speaking up and creating unions in Cambodia to fight for labor rights in the garment industry, many would not want to repeat history and put them in the position where they could get stripped of their freedom by enforcing their rights to free speech. Some notable incidents where the government has retaliated in connection to unionisation is the arrest of Rong Chhun (Union leader) in 2022 and the 2013 -2014 minimum wage protest and crackdown.

The arrest of Rong Chhun, president of the Cambodian Confederation of Unions (CCU) happened due to his criticism of how the government handled the COVID-19 layoffs in the garment industry where 91,500 workers were laid off due to factory closure (IndustriALL, 2020). International orders had been cancelled and led to the bankruptcy of factories which caused the layoff of these workers. Furthermore he is publicly known as an individual who amplified the voices of factory workers and fought for the minimum wage, working conditions and union rights in these factories . As of July, 2022 he was arrested and charged of “incitement to commit a felony” under Article 495 of Cambodia’s Penal Code. This government accused Chhun of encouraging protest in these workforces therefore leading to destabilizing the main economic drive of Cambodia which is a threat to national security. Further protest by CCU members and garment factory workers has brought attention to the case by intergovernmental organisations such as the EU and Amnesty International which followed with the bail of Rong Chuun in November 2021 (HRW, 2022). Not only has the government failed to address the labor laws of the garment factory workers but also has stripped Chhun of the rights under Cambodia’s Labor Law (1997) which guarantees freedom of association (CDC, 1997). This arrest is a clear example of what would happen if garment industry workers create unions and protest about their labor rights. It sends a clear

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message discouraging unionization due to fear or government retaliation. They would rather prioritize their job security to live rather than speak to get detained.

The minimum wage protest and crackdown in 2013 -2014 fighting for the initial minimum wage in 2013 which was \$80/month which is half the amount below the living wage of \$160/month. A nationwide strike brought attention to the case in which the Labor Advisory Council (LAC) compromised with all actors such as the government, labor workers and union representatives proposing the wage increase to \$95 in 2014 then \$160 by 2018 which workers rejected (Alexander, 2020). Not only was this a labor issue but also led to a political attack on the leading party Cambodia's People Party (CPP), where opposition party, Cambodia National Rescue Party (CNRP) led the accusation of fraud and led garment workers to join such protests. As of December 2013 - January 2014, protesters rallied around the garment factories and ministry of labor where some were reported throwing burning tires or objects (Teehan, 2014). This led to a violent crackdown of the protest days after, where military police equipped with firearms and riot gear stormed the streets breaking apart these protests. At Least 4 killed, 20 injured and 23 arrested including leaders of unions like the National Independent Federation Textile Union of Cambodia (NIFTUC) for participating in this violent protest. Those detained were charged with intentional violence or property damage (HRW, 2015). The outcome of this protest allowed the legal minimum wage to be raised to \$128/month in November 2014. The effects of this crackdown has limited and scarred unionization in the garment industry in Cambodia . Understanding the striking effects of protesting and fighting for your labor rights can cause deaths, arrest and injuries which created fear amongst all the labor workers therefore being silenced of their opinions. The arrest of the leaders of these independent unions has also weakened the overall strength of unionization in Cambodia 2014 where they faced increased harassment from the public and the government. After this incident factory workers are discouraged to form and join unions scared to repeat past incidents therefore explaining the lack of unionization in the manufacturing industries in Cambodia.

CONCLUSION

This paper argues that ineffective unionization is the primary cause of the lack of enforcement of labor laws in the manufacturing industry, undermining Cambodian labor law. Even with a high unionization rate, unions in these sectors lack collective bargaining power due to the four root causes: informal employment, government suppression of unionization, international market structure and government-business relations.

Informal employment affecting the garment industry workers is a significant obstacle to obtaining effective unionization. Garment workers are hired without contracts, face underpayment, forced overtime and harsh working conditions with no legal effects taken on the factory due to the workers being contract-free. This issue is mainly presented in smaller and locally owned factors as workers fear dismissal without severance pay often denied to informal workers. Government-business relations add on to this issue as the interdependence on one another is highly beneficial for both ends. It allows businesses to lobby with governmental policies about minimum wage, favouring low labor cost and bypass inspections which overall puts these factories at a leverage to dismiss the enforcement of labor laws

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affecting the workers. International pressure from brands imposing tight deadlines and low unit/labor cost drive factories to suppress unions to maintain economic gain and competitiveness on a regional scale. The Cambodian manufacturing industry prioritises international trades over the enforcement of labor laws for their workers. Government suppression is also a big factor that plays into the unionization suppression as previous incidents instills fear, reducing union membership (ILO,2019).

The Cambodian economy benefits in the short term from weak labor law enforcement, as low wages and minimal regulations attract international brands and increase export growth. This allows foreign direct investment and supports factories GDP contribution therefore stabilizing the economy. However, long term risk should be taken into consideration where continuous labor abuse can threaten trade sanctions as seen in the 2020 Everything but Arms withdrawal which cost Cambodia \$1 billion in export revenue (EU Commission, 2020). Ethical factories may shift competitors with better labor law implementations as the boycotting of fast fashion has been popularized in recent years (Crumbie, 2019). An example of this is Shien where many social media platforms like Instagram and Tiktok highly promote boycotts against Shien highlighting its labor practices and environmental issues. It has faced high rates of criticism that has led to reduced consumer interest in the brands, particularly younger, socially conscious shoppers. This would lead to brands finding factories with better labor law enforcements to attract more sales. Reputational damages of the factories could destabilize the economy as investors will shift to more ethical factories.

The consequences of ineffective unionization fosters job insecurity specifically for informal workers as they fear retaliation. This leads to the lack of legal protections reducing unionisation rates and giving factory owners dominance over the legal rights of workers in the industry. In the long run, unaddressed unionization can spark greater protest, threaten economic stability while also failing to improve the living standards of citizens. These results once more show that political and economic pressures limit unionization. Consequently, strengthening union capacity is crucial to enhancing enforcement.

Some policy recommendations to address this issue is to strengthen labor law inspections, imposing strict penalties for bribery, mandating formal contracts for all workers and mandates international brands to adopt ethical sourcing. The state of bribery and corruption is relatively high in Cambodia as the judiciary is understaffed and lacks resources leading to widespread corruption (GAN Integrity, 2020). The general state of corruption in Cambodia has contaminated the garment industry and plays a big role in the lack of enforcement of labor laws in this sector. Strengthening the labor law inspections by increasing the amount of inspectors for factories around the region and imposing strict penalties for bribery will ensure that unannounced visits to these factories will be effective and equally impose the labor laws in each factory. Mandating formal contracts for all workings will reduce the rates of informal employment therefore ensure legal protection of each of the workers reducing their vulnerability in workforces. Finally international brands should adopt ethical sourcing by enforcing supplier code of conducts in regards to their labor law practices and cancel orders due to the lack of enforcement.

Implementing these policies will be challenging due to the connections between the government and factories however not implementing these policies may risk greater economic and social cost. Ineffective

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unionization not only exploits individuals but also stains Cambodia's reputation as labor abuses are seen as highly unethical. By prioritizing workers' rights, Cambodia can balance economic growth with social equity ensuring improved living standards for its garment workers. This study overall demonstrates the urgent need for a systemic change to strengthen labor law enforcements and empower unions to create a safer industry for citizens to work at.

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APPENDIX

Interview Questions

1. How long have you been working at the factories?
2. Can you describe what a typical day in the factory looks like to you?
3. How much do you earn a day (if it is okay)?
4. What are the conditions of the workplace?
5. Is it clean?
6. How would you describe the air quality and ventilation inside the factory?
7. Is there a chemical smell in the factory with all the glue used in production?
8. Are you able to take breaks during your shifts, and if so, how long are they?
9. How often do you require to work overtime, and do you receive full overtime pay?
10. There are many foreign critics online saying that these workplaces are “prison-like”, do you agree with this statement?
11. Have you or anyone you know experienced health issues as a result of working conditions in the factory?
12. How do managers or supervisors treat workers on a daily basis?
13. Are there any stories related to incidents occurring in factories that you would like to share?
14. Have you ever witnessed or experienced unfair treatment, intimidation, or pressure from management?
15. Are there any specific incidents or accidents that happened in your workplace?
16. Do you like working there?
17. How many people work in these factories?
18. Are there any strong smells from chemicals such as glue or dye as you are working?