

## 谅解备忘录

柬埔寨更佳工厂和（工厂名称）.....间

1、柬埔寨更佳工厂（前身为国际劳工组织成衣领域计划）成立于 2001 年，旨在帮助柬埔寨成衣领域改善工作条件并长久保持。该项计划源于美国和柬埔寨为某些成衣厂向美国输出成衣而制订的出口配额的贸易协议。根据协议，只要柬埔寨改善工作条件，就会获得附加的出口配额。

2、为了度量和保证工作条件的改善，柬埔寨更佳工厂和参与的各项成衣厂合作，依据国内和国际标准进行监督并提呈报告，以帮助各工厂提高生产力，并同政府和国际买家共同工作从而确保改善过程的严格性和透明度。

3、同为限制重要的低成本制造国如中国、印度等出口到美国和欧盟的配额而制订的全球多种纤维协议（MFA）一样，柬埔寨—美国贸易协议于 2004 年 12 月 31 日终止。随着这些协议的终止，柬埔寨将遭遇全球性的竞争。为了保持竞争力，柬埔寨成衣厂目前必须以某种方法使自身在市场上脱颖而出。

4、通过持续改善工作条件和接达工厂服从国际和国内劳工标准的可靠信息的便利，柬埔寨在某种程度上为自己留出了时间。柬埔寨更佳工厂将寻求并寄望于已在上述 2 个部分取得的进展，然而和柬埔寨各成衣厂进行合作以使计划继续取得成功却是非常紧迫的。

5、本备忘录和附着的登记表格为柬埔寨更佳工厂和希望参与该项计划的各成衣厂之间的合作提供了合作框架。

根据所签署的本备忘录和所提供的登记所要求的信息，（工厂名称）.....  
同意：

- a、为柬埔寨更佳工厂的监察员提供其为执行任务而要求的相关文件以及进入工厂及周边地区（如宿舍等）的便利；
- b、允许柬埔寨更佳工厂监察员能自由地和工人代表、工会代表、工厂工人和其它相关人士在工厂内外进行互动；
- c、在预先通知和未通知的工厂探访中，为监察员提供在上述 a 和 b 条中所列明的便利；
- d、避免任何可能妨碍柬埔寨更佳工厂监察员执行任务的行为或者不为；
- e、保证改善工作条件；

根据所签署的本备忘录，柬埔寨更佳工厂同意：



Better Factories Cambodia  
International Labour Organization

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- a、执行和附录 1 中一致的监督系统，考虑计划咨询委员会对未来工作的各项建议；
- b、以公正、客观的态度进行工厂的监察探访；
- c、尽量将探访所造成的工厂运作中断的影响减至最小；
- d、对与工厂遵守重要的劳工标准或柬埔寨劳工法无关的商业运作的信息予以保密；
- e、将对一个 *柬埔寨更佳工厂* 监察员在其履行职责过程中的失当行为的指责视为善意的；
- f、若对本备忘录的解读有任何不同意见，双方应当努力地并真诚地达成共识。若缺乏共识，应当将问题送交一个双方已商定的仲裁人协助解决。

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成衣厂代表

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*柬埔寨更佳工厂*代表

姓名：

姓名：

日期

日期：

## MEMORANDUM OF UNDERSTANDING

Between

*Better Factories Cambodia* and (name of factory) .....

1. *Better Factories Cambodia* (formerly known as the ILO Garment Sector Project), was established in 2001 to help Cambodia's garment sector achieve and maintain improvements in working conditions. The project grew out of a trade agreement between the United States and Cambodia, which set an export quota for certain garments from Cambodia to the United States. Under the agreement, the US allocated bonus export entitlements to Cambodia, as long as the country made gains in improving working conditions.

2. In order to measure and ensure gains in working conditions, *Better Factories Cambodia*, in cooperation with participating Cambodian garment factories, has monitored and reported on working conditions according to national and international standards, helped factories to improve their productivity, and worked with the Government and international buyers to ensure a rigorous and transparent cycle of improvement.

3. The Cambodian-US trade agreement expired on 31 December 2004, as did a global Multi-Fibre Agreement (MFA), which had imposed limits on imports to the United States and the European Union countries from key low-cost manufacturing countries such as China and India. With the expiration of these agreements, Cambodia is subject to global competition. In order to remain competitive, Cambodian garment factories now must somehow distinguish themselves in the market.

4. Cambodia has set itself apart to some extent by continuously improving working conditions, and by facilitating access to reliable information regarding factory compliance with international and national labour standards. *Better Factories Cambodia* will seek to build upon the progress that already has been made in both of these areas, but the cooperation of Cambodia garment factories is critical to the project's continued success.

5. This memorandum of understanding and its attached registration form provide the framework for cooperation between *Better Factories Cambodia* and individual garment factories that wish to participate in the project.



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6. By signing this memorandum of understanding and providing the information required for registration, (factory name)..... agrees to:

- a. provide full access to *Better Factories Cambodia* monitors to factory premises, including surrounding areas (such as dormitories), as well as to all relevant documentation required by monitors in order to perform their tasks;
- b. allow *Better Factories Cambodia* monitors to freely interact with shop stewards, union representatives, factory workers and other relevant persons, both inside and outside factory premises;
- c. provide access as specified under paragraphs a and b above during both announced and unannounced factory visits;
- d. refrain from any acts or omissions that may hamper the ability of *Better Factories Cambodia* monitors to perform their tasks;
- e. undertake to improve working conditions.

By signing this memorandum of understanding, *Better Factories Cambodia* agrees to:

- a. execute the monitoring system in accordance with Annex 1, taking into account any future recommendations of the Project Advisory Committee;
- b. carry out monitoring visits in a fair and objective manner;
- c. attempt to minimize any disruption to factory operations during monitoring visits;
- d. keep confidential basic commercial information regarding business operations that is not related to factory compliance with core labour standards or Cambodian labour law;
- e. consider, in good faith, any allegation of misconduct by a *Better Factories Cambodia* monitor in the execution of his/her duties;
- f. In case of any disagreement over the interpretation of the present memorandum of understanding, the parties shall make an effort, in good faith, to reach a common understanding. In the absence of such a common understanding, the matter shall be referred to a mutually agreed upon arbitrator.

\_\_\_\_\_  
Garment factory representative

Name:

Date:

\_\_\_\_\_  
*Better Factories Cambodia* representative

Name:

Date:

## ANNEX 1

### Garment Factory Monitoring Process *Better Factories Cambodia*

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#### 1. Background

One goal of *Better Factories Cambodia* is to ensure that garment factories in Cambodia comply with internationally recognized core labour standards and the Labour Law of Cambodia. The project has developed an independent monitoring system designed to generate reliable information on working conditions in participating factories. Monitoring is conducted by monitors who are recruited and trained by *Better Factories Cambodia*, and who operate under the direction of the Programme Assistant and the Chief Technical Advisor (CTA). A Project Advisory Committee (PAC) discusses the functioning of the monitoring system and provides guidance and evaluation.

*Better Factories Cambodia* has developed an information management system (IMS), which is a computerized system for collecting, storing and analyzing data. The IMS enables monitors to store the information they collect during monitoring visits directly into laptops specifically designed to collect data (Tablet PCs).

#### 2. How the monitoring process works

- 2.1 Factories voluntarily register with the project by providing a completed, signed registration form, with related documents, to the *Better Factories Cambodia* office in Phnom Penh, Cambodia. By registering with the project, factories agree to submit to unannounced and announced monitoring visits by project monitors.
- 2.2 *Better Factories Cambodia* employs monitors, who conduct monitoring visits in teams of 2. All monitors receive appropriate training on national and international labour standards and inspection techniques.
- 2.3 The monitoring teams work as follows:
  - The Programme Assistant schedules monitoring visits, using information generated by the IMS.
  - The monitors conduct monitoring visits, which may include discussions with management, workers, shop stewards, and union leaders; observation of factory conditions; and collection and review of documents.
  - The monitors use Tablet PCs to record their findings during factory visits. The use of Tablet PCs enables monitors to complete reports quickly and accurately.
  - A copy of the payroll and working hours information must be provided on the day of the visit. Factories are given one week to provide copies of any additional documents requested by monitors during the factory visit.

- Monitors complete monitoring reports upon receiving all necessary documents, or upon expiration of the time allotted for a factory to provide documents.
- Monitors present their reports to the CTA for approval.
- Finalized, approved reports are uploaded to the IMS.
- Factory management is notified by email that a new report is available.<sup>1</sup>
- Management can receive reports by logging onto the *Better Factories Cambodia* IMS website, at <http://ims.betterfactories.org>. A password is required to access factory reports.

2.4 A checklist approved by the Project Advisory Committee identifies the issues covered during monitoring visits, including the following:

***Basic worker rights:***

- Freedom from child labour
- Freedom from forced labor
- Freedom from sexual harassment
- Freedom of association and collective bargaining
- Non-discrimination

***Other working conditions:***

- Wages
- Hours of work
- Leave
- Occupational safety and health
- Labor relations

Monitors also record the level of cooperation by management during a factory visit.

2.5 The indicators for freedom of association and collective bargaining in particular, focus on the process of workers exercising these rights at the workplace. The monitors may witness trade union elections, shop steward elections, and collective bargaining sessions. They also consider any complaints by workers of interference in union activity or anti-union actions in violation of Cambodian labor law. This information is reflected in factory monitoring reports.

2.6 The monitors do not have law enforcement powers. This is the role of labour inspectors from the ministry of labour. Their role is to verify the conditions in participating factories, to report on them and to provide information and advice on improving compliance. The CTA oversees the monitoring and remediation programs, approves the monitoring reports, and works with the social partners to ensure a continuous cycle of improvement in working conditions.

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<sup>1</sup> Factories that do not have access to email or the worldwide web may have their factory visit reports delivered to the factory.

### **3. Scheduling of visits**

The project seeks to visit each participating factory at least twice per year.

### **4. Resolving Disputes Regarding Reports**

Once the CTA has approved a monitoring report, the report is made available to the factory. Factories may request advice from monitors in addressing compliance issues identified in monitoring reports. Factories also can lodge objections to findings in their reports online within 21 working days, by logging onto the *Better Factories Cambodia* IMS website, at <http://ims.betterfactories.org>. Objections will be visible to buyers who have been granted access by factories to the reports.

### **5. Reporting**

*Better Factories Cambodia* provides individual factory reports as well as synthesis reports in Khmer, Chinese or English. Individual factory reports include graphs tracking progress on compliance over time, and comparing this to the industry average. Factory reports also include suggestions to address specific non-compliance issues, and track progress implementing these suggestions. Individual factory reports are accessible only to the factory and to any buyers or others granted access in writing by the factory (e.g. buyers, vendors).

Synthesis reports are publicly available, and include, for example, easy-to-read graphs showing progress by individual factories on compliance, key industry-wide compliance issues, and data regarding the number of workers employed in garment factories.