



# Guidelines for Accessing Socio-Economic Rights

A resource for young women entrepreneurs  
and the organizations that support them



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Designed by Glean ([www.glean.net](http://www.glean.net)) in collaboration with Cambodian women entrepreneurs, under support from USAID through WE Act Cambodia.

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## **What Is This Guide?**

This guide is designed to give information organizations who work with women entrepreneurs, and to women entrepreneurs themselves.

It describes what socio-economic rights are, and why women entrepreneurs need to know about them, so that they can apply their socio-economic rights, and comply with legal framework for business in Cambodia, and understand how socio-economic rights affect other priority issues that impact their opportunities to live the life they choose.

It describes how socio-economic rights relate to government services which women entrepreneurs may need to use, and what responsibilities government services have.

It explains four rights areas which were identified through research as most relevant to women entrepreneurs, by women entrepreneurs themselves:

- The right to work
- The right to education
- The right to social security
- The right to conduct business and engage in trade activities

This guide also gives guidelines on how organizations and women entrepreneurs can work with officials to access socio-economic rights through services, and working with a lawyer to clarify socio-economic rights if needed.

As part of this guide, a toolkit has been designed to enable organizations to integrate socio-economic rights into their activities to support women entrepreneurs, and to enable entrepreneurs themselves to access socio-economic rights, making it easier for them to do business.

## **Explaining and Describing Socio-Economic Rights**

‘Socio-economic rights’ can be a complicated phrase to understand. If you need to explain what socio-economic rights are for women entrepreneurs, you can use this definition:

*Socio-economic rights are the rights that women, men, youth, and especially women entrepreneurs in Cambodia should be equally able to actively access public goods and services, and participate in political, economic, and social life.*

*Socio-economic rights are meant to ensure that all individuals can live decently and happily.*

If you need a simple sentence, try something like this:

*Socio-economic rights enable women entrepreneurs to run businesses in accordance with the law, and without experiencing discrimination based on their gender.*

## ***Rights Which Are Not Covered By This Guide***

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This guide, and the toolkit, is based on research, design and testing with women entrepreneurs, which identified the areas of government services, and socio-economic rights, which were most useful or important to them in helping them to succeed as entrepreneurs.

It does not cover all socio-economic rights which exist in Cambodia. When you are using the content in this guide or the toolkit to explain socio-economic rights to women entrepreneurs, it's important to be clear that there are other rights which they have, which won't be covered by your activity.

If your organization highlights other socio-economic rights than the rights in this toolkit, you can work with women entrepreneurs to highlight those rights. If your organization does not focus on other socio-economic rights, you can use the toolkit to plan whether and how to meet women entrepreneurs' needs.

## ***How To Use This Guide***

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You can use this guide in whatever way is helpful to you. It can help you to work with women entrepreneurs so that they can:

- **Understand** socio-economic rights, including how they are part of the law of Cambodia.
- **Identify** which socio-economic rights are most relevant to them.
- **Prepare** to make a plan for accessing their socio-economic rights, when it is used with the WE Act Socio-Economic Rights Toolkit.

**Use the contents page above to see which content is relevant to you, then read it.**

This guide is designed to be used with the WE Act Socio-Economic Rights Toolkit. The Toolkit contains tools for organizations, and some tools which can be used individually by women entrepreneurs, to help them make plans for accessing their socio-economic rights.

## **What are socio-economic rights?**

Socio-economic rights are the rights that women, men, youth, and especially women entrepreneurs in Cambodia should be equally able to actively access public goods and services, and participate in political, economic, and social life.<sup>2</sup>

Socio-economic rights are meant to ensure that all individuals can live decently and happily.

This guide focuses on rights which are most likely to be needed, or useful, to women entrepreneurs, as identified by women entrepreneurs themselves:

- The right to education
- The right to work
- The right to social security
- The right to conduct business and engage trade activities

## **Socio-Economic Rights and Government Services**

An important part of socio-economic rights is the role of government, because the government guarantees socio-economic rights through provision of public services.

This means that government officials are ‘duty-bearers’; they are the people who have the responsibility to enable citizens to exercise their rights.

Different rights are overseen by different government departments, so the socio-economic rights of women entrepreneurs are accessed or practiced by **working with** or **getting information from** a government service.

A government service is a government ministry, department or a particular office, which provides women entrepreneurs with something they need to have by law.

### **THE PRINCIPLE IS:**

**If you are required by law to do something, it is your obligation to do it by working with the responsible ministry.**

**OR**

**If you are allowed by law to do something, it is your right to be able to do it by working with the responsible ministry.<sup>3</sup>**

Government provides public services, through which women entrepreneurs access their rights.

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<sup>2</sup> Article 35 of the Constitution of the Kingdom of Cambodia

<sup>3</sup> This principle is a summary of the conceptual relationship between rights in the law of the Kingdom of Cambodia, and government services in Cambodia.

## PRINCIPLES OF GOOD GOVERNANCE<sup>4</sup>

Government services are part of **governance**. Good governance is defined through these principles:

**Participation** - citizens can actively participate in the process of decision-making, directly or indirectly through groups or agencies that represent their interests.

**Rule of law** - laws and rights are implemented fairly and impartially.

**Transparency** - Information flows freely, and processes and institutions are directly accessible to those concerned with them. Enough information is provided to understand them, and make sure they are working as they should.

**Responsiveness** - agencies promptly serve and respond to the needs of citizens.

**Consensus orientation** - differences of opinion and viewpoint are mediated so that a broad consensus on what is best for all is always achieved.

**Equity** - all men and women, regardless of age, gender or status in life have opportunities to improve or maintain their well-being.

**Effectiveness and efficiency** - a government exercising good governance produces results that meet the needs of its people while making the best use of national resources.

**Accountability** - decision-makers in government, the private sector and civil society organizations are answerable to the public.

## WHAT A GOOD PUBLIC SERVICE LOOKS LIKE

The good governance principles mean that a good public service will:

- Provide clear information on your responsibilities to that service.
- Provide information and instructions on how you can fulfil your responsibilities, including fees, required documents and actions, and timeframes for completion.
- Provide you with information and responses so that you can fulfil your responsibilities within the required timeframe.
- Provide clear information and a clear mechanism to help you correct mistakes or wrongful acts by public service providers.
- Provide you a way to bring complaint against negligence, unreasonable delay, rejection of services, biased or discriminatory decisions of public service providers.<sup>5</sup>

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<sup>4</sup> These are taken from training manual provided by SILAKA Cambodia, based on the Royal Government of Cambodia's Rectangular Strategy for Growth, Employment, Equity and Efficiency in Cambodia.

<sup>5</sup> Article 39 of the Constitution of the Kingdom of Cambodia

Officials in a good service have the responsibility to:

- Provide their service in a timely way, without delays that have no reason.
- Charge no extra service charge other than what is stated in the relevant laws and regulations.
- Be transparent and accountable for their service according to the relevant laws and regulations.
- Be friendly, and treat all citizens fairly and without bias.

## DETAILS OF SOCIO-ECONOMIC RIGHTS ACCESSED THROUGH DIFFERENT SERVICES

For these rights, government officials are ‘duty-bearers’; they have the responsibility to enable citizens to access these rights. Different rights are overseen by different government departments. Each right below is given some examples, with details of the responsible ministry.

**For women entrepreneurs, accessing their rights** through these ministries will be a different process depending on the right they are using, and the ministry which is responsible for it. Please see the WE Act Socio-Economic Rights Toolkit for some practical steps to take to make contact with the responsible ministry.

## SUMMARY OF NEEDS AND GOVERNMENT SERVICES

In general:

*If a need is related to accessing or providing **vocational skill training**, it might be relevant to the Ministry of Labour and Vocational Training, and the General Department of Technical Education and Training.*

*If a need is related to **business law training**, it might be relevant to the Ministry of Commerce, the General Department of Taxation, and the Ministry of Industry, Science, Technology and Innovation.*

*If a need is related to **wages or employee contracts** it might be relevant to the Ministry of Labour and Vocational Training.*

*If a need is related to **social security**, it might be relevant to the Ministry of Labour and Vocational Training, the Ministry of Economic and Finance, or the National Social Security Fund.*

*If a need is related to **setting up a business**, it might be relevant to the Ministry of Commerce, and the Ministry of Industry, Science, Technology and Innovation.*

*If a need is related to **import/export**, it might be relevant to the General Department of Customs and Excise of Cambodia.*

*If a need is related to **intellectual property**, it might be relevant to the Ministry of Commerce.*

## ***Explanation of Rights in Detail***

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This guide focuses on rights which are most likely to be needed, or useful, to women entrepreneurs, based on interviews and group discussion with women entrepreneurs, where women entrepreneurs were asked to discuss their experience as entrepreneurs, and identified the rights areas and services that are most relevant to them.

It's important to note that these are **not the only rights which** women entrepreneurs have in Cambodia. However, these are the rights areas which women entrepreneurs have identified as being most relevant to their success as women entrepreneurs.

### **THE RIGHT TO EDUCATION**

The right to education is guaranteed under the Constitution of the Kingdom of Cambodia.<sup>6</sup> This means that, as the duty-bearer, the Government:

- Has a responsibility to protect and promote the right of each citizen to a quality education at all levels.
- Will do everything possible to make education available to all citizens - resourcing schools, training new teachers, and continuing to improve the availability of education in Cambodia.
- Implements a curriculum based on modern teaching principles, including the teaching of technology and foreign languages
- Will make sure that all citizens are able to receive free primary and secondary education at public schools.

To do this, the Government will establish a system of education which runs on the same standards and requirements throughout the country. This system will be able to guarantee that citizens have freedom of education and are able to access schooling equally, so that all citizens have equal opportunities to improve their living conditions.

This part of the Constitution provides citizens with access to education for at least nine years, but it does not stop there. The Government also implements the principle of life-long learning, where citizens can have access to other trainings necessary for the enhancement of their living standards.

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<sup>6</sup> Article 65 of the Constitution of the Kingdom of Cambodia

**Examples:**

- The right to ICT training. This right is provided through the activity of the Ministry of Education, the Ministry of Post and Telecommunications, and public or private universities.
- The right to Vocational Skill Training. This right is provided through the activity of the Ministry of Labor and Vocational Training, and the General Department of Technical Education and Training.
- The right to Business Law Training. This right is provided through the activity of the Ministry of Commerce and the General Department of Taxation, and the Ministry of Industry, Science, Technology and Innovation.

**THE RIGHT TO WORK <sup>7</sup>**

After being educated and equipped with skills, citizens need to work to earn incomes to sustain their living. Cambodian citizens have the right that:

- Their work is not forced labor - this means that they can choose which job to work at, and can choose to leave that job if they want to, working with an unfixed duration employment contract.
- Their work is decent work - this means that their job should not require them to work in unsafe conditions, or require them to do things which do not support their dignity as human beings.
- Their work will be paid a decent wage - this means that they are paid enough money for their work that they can support themselves and their household. Some industries have specific minimum wages (for example, garment and footwear industries). In those industries, this right means that no citizen will be paid less than the minimum wage.
- They can access their work on an equal basis without discrimination between men and women. This means that no-one can be denied a job because of their gender.

These rights mean that the Government has a responsibility to create legal frameworks, policy and efforts to ensure that there are enough jobs like this for everyone, and that employers provide these rights to all of their employees.

**Examples:**

- The right to a decent wage. This right is provided through the activity of the Ministry of Labor and Vocational Training, currently through the minimum wage rules in the garment and footwear industries.
- The right to choose their job. This right is provided through the activity of the National Employment Agency.
- The right to have an unfixed duration employment contract. This right is provided through the activity of the Ministry of Labor and Vocational Training.

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<sup>7</sup> Article 36 of the Constitution of the Kingdom of Cambodia

## THE RIGHT TO SOCIAL SECURITY

The right to Social Security is guaranteed under Article 75 of the Constitution of the Kingdom of Cambodia<sup>8</sup>. Social Security is what we call all of the systems which exist to protect people against things which prevent them from earning an income, including unemployment, work accident, old age and disease.

In Cambodia, Social Security systems are still developing, and mostly cover support for people who suffer accidents at work, and healthcare provision for individuals, including maternity care. For example, both employers and employees in Cambodia must register with the National Social Security Fund (NSSF, known as ‘Bososo’) to allow them to access insurance for healthcare, and against work accidents.

### Example:

It is mandatory for employers and employees in Cambodia to register with National Social Security Fund for work accident insurance coverage and health insurance coverage. Therefore this right is provided through the activity of the Ministry of Labour and Vocational Training, the Ministry of Economic and Finance, and the National Social Security Fund.

## THE RIGHT TO CONDUCT BUSINESS AND ENGAGE IN TRADE ACTIVITIES

Individuals can decide to conduct businesses or engage in trade activities if they don’t want to work under a contract of employment with an employer. The Government is an important part of how these rights are accessed - economic rights will not go smoothly without the intervention from the Government to provide public services and access to resources, as well as clear and consistent regulatory oversight and consistent fees.

This economic right is guaranteed under Article 61<sup>9</sup> of the Constitution of the Kingdom of Cambodia, where the Government shall promote economic development in all fields, especially in agriculture, handicrafts, and industry. This Article also commits that the Government will begin economic development with the remotest areas, with concern for water policy, electricity, roads and means of transportation, using modern techniques, including a credit system.

### Examples:

- The right to establish a company. This right is provided through the activity of the Ministry of Commerce, and the Ministry of Industry, Science, Technology and Innovation.
- The right to import or export agricultural products. This right is provided through the activity of the Ministry of Agriculture, Forestry and Fishery, and the General Department of Customs and Excise of Cambodia.
- Intellectual property rights. These are provided through the activity of the Ministry of Commerce.

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<sup>8</sup> Article 75 of the Constitution of the Kingdom of Cambodia

<sup>9</sup> Article 61 of the Constitution of the Kingdom of Cambodia

## ***Working with a Lawyer to Clarify Socio-Economic Rights***

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Government services are provided through government departments. The activities of those departments and services is defined by laws. Often laws are difficult to understand, and women entrepreneurs may need your organization to help them to clarify what they mean. Working with a lawyer is a good way to do this.

### **BACKGROUND – WHAT ARE LAWS AND REGULATIONS?**

Laws are legal documents drafted by the Government, or proposed by parliament members and adopted by Parliament. Laws are mostly general and don't provide step-by-step procedures for how people can comply with them.

Regulations are adopted by the Government to implement laws, and should provide clear step-by-step instructions for how public services will be delivered and how citizens should fulfil their obligations.

### **HELPING WOMEN ENTREPRENEURS TO UNDERSTAND LAWS AND REGULATIONS RELATING TO THEIR SOCIO-ECONOMIC RIGHTS**

The words used in laws and regulations are likely to be technical, and complicated. Women entrepreneurs may find it difficult to access these documents, or understand them clearly if they do access them.

Additionally, different government departments or officials may have different interpretations of laws and regulations which guarantee socio-economic rights, and define how services meet those rights.

This can mean that it is hard for women entrepreneurs to know how to comply with laws and regulations. There are several ways that women entrepreneurs can get a clearer understanding:

**1. Work directly with a lawyer or legal specialist** - senior officials can clarify rules directly.

If you are an organization that works for women entrepreneurs, you can make a Memorandum of Understanding with law firms or accounting firms so that you can approach them for questions. As this solution may be costly, try to find whether the firms offer any pro bono (free) support in exchange for publicity.

**2. Get circulars for new laws and regulations.** When new laws and regulations are published, they are often accompanied by circulars or notifications which explain how individuals can comply.

Try to get these documents by working with your organization's contacts at government services (use the Working With Officials Tool).

**3. Research.** Some accounting firms, law firms, and business associations in Cambodia send out legal updates explaining new laws/regulations to their members and non-members (either for a fee, or at no cost). Your organization may be able to subscribe to these services and get clear information.

**4. Attend workshops.** Government departments, law firms, business associations and accounting firms often organize workshops to explain new laws and regulations.

Send your organization's staff to attend these workshops if you can, and ask them to create a simple summary of what they learn.

**5. Organize workshops.** If you are an organization, you can organize workshops for women entrepreneurs to learn more together about a topic.

Invite legal experts from responsible government departments or legal firms to speak. Make a written summary of the workshops and send it to participants in the workshop, and others who might find it useful.

### **EXAMPLE: HELPING KUNTHEA**

**How to clarify an existing law or regulation:** at times, you may discover that there are new rules, or rules which you were not aware of, or which aren't clear to women entrepreneurs. Here's an example of how to clarify an existing law or regulation.

Kunthea has established and incorporated her business as a tour agency with Ministry of Commerce since 2016 with 10 staff members.

On 10 February 2020, an official from the Ministry of Labour and Vocational Training came to her company's office to conduct a labor compliance inspection, checking whether she was in compliance with labor law.

Ten days later on 20 February 2020, the Ministry sent her the letter requiring her to pay seniority payment following Prakas No: 443 of Ministry on Senior Payment, dated 21 September 2018, to all her staff members starting from 2016 to 2020, which she had not been aware of and had not paid so far.

In the letter, she was provided 30-day deadline to comply otherwise her company would be fined five million riels. Kunthea went to a business network she is part of to get support.

Kunthea's business network can work with Kunthea to help her by taking the following steps:

1. **Clarify the law.** Kunthea can get a copy of the Prakas, to check whether she is definitely not in compliance.

To help Kunthea to get a copy of the relevant Prakas, the business network can work with their contact at the Ministry, or search to see whether the resource is posted publicly online. In this case, the Prakas can be downloaded from <https://www.eurocham-cambodia.org/post/541/Prakas-No.-443-on-Seniority-Payment-Indemnity-by-the-Ministry-of-Labour-and-Vocational-Training->

2. **Clarify the regulations.** The Prakas is very short and not detailed enough for Kunthea to understand whether she is in compliance, and what she should pay.

The business network can advise Kunthea to seek advice directly from the relevant department, or to check online to see if any explanations have been posted which explain how the payment is calculated and paid. In this case, there is advice at this link: <http://www.vdb-loi.com/cambodia-tax-and-legal/cambodia-legal-update-seniority-payments-new-regulations-bring-some-things-into-clearer-focus/>

3. **Keep the information for your other members.** As most of the information online is available in English language, and this issue will be likely encountered by most of the business network's members, they can draft a Khmer version and then send to the Department of Labour Inspection for approval, before sending it out to all of their members.
4. **Organize a Workshop.** If Kunthea is still not clear on the matter, within the 30-day deadline her business network can organize a workshop on seniority payments and invite other members who have encountered a similar problem to attend.

The network should then send a formal letter to Director of the Labour Inspection Department, asking them to send an official to speak in the workshop. After the workshop, they can make a summary and send to all their members.

If the network doesn't already have contact with someone at the Department of Labour Inspection, this is a good way of establishing a relationship, by featuring someone from the department as a respected authority on the subject.

## **Meeting With Officials**

Once your organization has identified the socio-economic rights need which you want to meet, and the relevant ministry to that need, you can make a plan for reaching out to relevant government officials.

If you are an individual young woman entrepreneur, you may find that it is difficult to work directly with officials in the long term. You might find that it is easier to work with a business network, or an organization which exists to support women entrepreneurs, and ask them for assistance in working with officials.

In general, working with an official will look like this:

- 1.** You will **write down clearly what you need**. To work with an official well, you need to be able to clearly explain what you need, and what you are asking them to do. This will help because:
  - a. You will get what you need quicker by asking more clearly
  - b. You will keep up a good relationship with the official by not taking up much of their time on things you don't need.
- 2.** You will **establish contact**. You need to start a connection with an official, so that they know you, and are willing to help you.
  - a. You will probably need to contact several different officials before you find one who understands the need you're working on, and who is willing to help you.
- 3.** You will **meet regularly with your contact**. Maintaining your relationship with the official you're working with is also important - this will make sure that, when you have a need you want to solve in the future, you will be able to address it quickly.
  - a. Set up a regular schedule of meetings with the official - once a quarter in general, unless urgent needs arise
  - b. Make sure that you always have a reason for meeting - it's important to meet regularly, but it's important to always have a reason, to be respectful of the official's time.
  - c. Good ways of maintaining your relationship with officials includes inviting them to attend events for your organization

### **1. BE CLEAR ABOUT WHAT YOU NEED**

Having a clear understanding of what you are asking for will help you to use the official's time well, and will make it more likely that they are happy to meet with you.

If it's helpful, you can categorize your need in these areas:

- Questions about routine business activities or public services delivery.
- Questions about unexpected problems or challenges in daily business operations. Normally, problems or challenges which women entrepreneurs face will be caused

by miscommunication, wrongful acts, abuse of powers or roles, corruption, or misinterpretation of laws or regulations. By establishing a formal contact with responsible government officials, you will make it more likely that the women you are working for will avoid these problems, or be able to fix them quickly when they arise.

- Questions about updates to regulations. New regulations may not be openly publicised. Officials can help to provide clear information on new regulations which are relevant to women entrepreneurs.

To identify the kinds of questions you need to ask, there are several things you can do.

- Organize workshops using the Needs and Opportunities Tool in the WE Act Socio-Economic Rights Toolkit to help you plan what types of questions you need to answer, and how you will ask those questions to the responsible departments.
- Approach experienced members of your organization before you communicate with an official - sometimes these problems have been encountered by others and have been answered already, and you can save time.
- Collect questions from women entrepreneurs through surveys, tools or meetings to create a list of frequently asked questions which can be used in a meeting with an official to get answers.

## **2. ESTABLISH CONTACT**

Making contact with officials can be a complicated process. You may need to make several contacts to get all the information you need, but a few principles can help you.

Start with your existing contacts. If you already know or work with someone who works for the department you want to talk to, you can ask them who you should speak to about the need you want to meet.

Reach out to the director. For every department, the director has responsibility for the service overall; however, this person may be too busy to answer your questions, and you shouldn't expect this person to help you directly. However, by asking them simply who you should speak to, you can get contact details of someone who might be able to give you more in-depth help.

Build contacts with technical staff. It's normal for the director or senior staff to be too busy to help, so ask for the name or contact details of technical staff in the service who interact with citizens directly in service delivery. Creating contacts in this layer of staff can be very helpful, because they often understand the details of service issues and can help you to solve them.

### 3. MAINTAIN RELATIONSHIPS WITH OFFICIALS

Once you have contact with an official at the relevant service, it's a good idea to maintain your relationship with them. This will allow you to ask more questions in future, and will make it more likely that you get clear answers quickly. Here are a few principles for maintaining your relationship with that official.

**Be clear.** Use the Meetings With Officials tool to make a clear plan for what you will say, and to make notes of the meeting. It's good to ask clearly for what you need to know. For example, you can ask if there are any expected new laws or regulations in their area, so that you can anticipate changes which will happen in the future, or ask for copies of draft laws or draft regulations if they are available.

Remember that some laws and regulations will require compliance immediately, while some will allow for a transitional period before compliance is required. It's important for you to keep track and closely follow up with relevant government departments on new laws to make sure you know when they will be enforceable. For example, laws covering tax on unused land, and capital gains tax for individuals are adopted but not enforced yet (as of early 2020).

**Respect their time.** Decide how often to meet with them - monthly or quarterly are good frequencies, but be led by what they want. Don't encourage others from your organization to communicate frequently with your contact or to ask questions outside your normal schedule, don't annoy the contact with unclear or repeated questions, or questions which you can answer using other information or past experience.

**Respect the way they like to work.** Submit your questions through email in advance, and then make an appointment for a meeting, so that they have an opportunity to prepare, and remember that email may not be their preferred way of communicating - ask them if they prefer Telegram or WhatsApp, and then use their preferred platform.

Remember that emailing may not work for urgent matters. Try to get contact details for phone calls, text messages, WhatsApp and Telegram groups, and ask what is the best communication channel for you to use.

**Build a long-term relationship.** Remember that when you are making contact, you are establishing a professional and a human connection. If you are an organization, you can build a positive relationship by inviting the official to events you run (such as a members' annual conference), and to be guest speakers. You may want to consider offering them honorary roles in your organization, and presenting them with certificates to respect their engagement with you.

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