

# Compliance to and Impact of the BSIC Code of Conduct: Monitoring Survey 2009

Center for Advanced Study

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## Executive Summary

This report presents the findings of a monitoring survey aimed at assessing progress over the past year in the compliance of members of the beer company consortium Beer Selling Industry Cambodia (BSIC) to the consortium's voluntary Code of Conduct.

The Center for Advanced Study (CAS), an independent Cambodian institution based in Phnom Penh, conducted a study amongst 493 beer promoters working for the BSIC in early 2008 in order to assess member compliance to the Code of Conduct, a series of prescribed standards of working conditions for beer promoters which was established in late 2006, covering a wide range of areas. This study found that 90% of respondents who had previously worked for non-BSIC members considered themselves safer in the workplace, better able to deal with difficult customers, more supported by their 'direct superior', and better trained to look after their health when working for a BSIC employee. However, the survey identified inconsistent compliance to the Code of Conduct in certain key areas, including beer promoters' perceived contractual status, the effective promotion and provision of company transport, and the creation a successful, formal grievance procedure for the beer promoters to register complaints about working conditions and specific incidents of verbal, physical or sexual abuse and harassment. Over 38% of the women surveyed across the four BSIC member companies reported experiencing sexual harassment on a regular basis, and over 70% described having experienced customers attempting to force them to drink alcohol. Based on the findings of the study, CAS recommended the BSIC improve compliance to the Code of Conduct through a number of strategic measures, including more effective communication of contractual information, interventions to enhance the quality and uptake of company transport, and the creation of a standard, BSIC-wide grievance, formal procedure in order to monitor the extent of workplace abuse and harassment in order to devise strategic responses. It was also proposed that the Code of Conduct should be promoted amongst all company employees, outlet owners and wider civil society as part of a broader effort to improve the working conditions beer promoters.

The initial survey was intended to provide a baseline against which future progress could be measured. To this end, one year later the BSIC commissioned CAS to conduct a monitoring survey to assess any changes which had taken place. A further survey was therefore carried out between late 2008 and early 2009, following the same methodology and including largely the same questions as the original baseline study. A total of 500 beer promoters were surveyed in Phnom Penh and Siem Reap. The monitoring survey found that beer promoters' satisfaction with their working conditions had increased. While the baseline survey found that fewer than 7% of respondents from the four companies consulted reported being unhappy with their current working conditions, for example, in the monitoring survey this figure had dropped to 1.8%. Moreover, when asked to name three changes to improve their working conditions, around 27% of respondents stated that they were totally happy with their conditions. Of those respondents who had previously worked for a non-BSIC employer, 100% reported that they felt safer in the workplace with their current BSIC employer.

The frequency of sexual harassment by customers in the workplace was found to have dropped. The overall proportion of respondents who reported suffering regular sexual harassment fell by almost 20% from 39% to just under 20%, for example. Further, beer promoters were found to be more likely to report cases of sexual harassment to their direct superiors. These changes are likely to be linked to the concerted promotion of the BSIC Code of Conduct through staff training and in the workplace over past months, particularly through the introduction of the BSIC logo on beer promoters' uniforms. Over 90% of

respondents considered that the presence of the BSIC logo on their uniform had had a positive impact; of these 73% had observed a noticeable decline in sexual harassment, while 83% had noted less verbal abuse from customers.

The monitoring survey findings reveal that, at present, the areas in which the Code of Conduct continues to work well and all members are complying include the rejection of commission-only work, supplying employees with 'decent' uniforms, which they find acceptable, making company transport available to take beer promoters home after work, and the existence of a standard, BSIC-wide grievance procedure. Furthermore, distinct progress was identified in beer promoters' awareness of their contractual status, direct superiors actively encouraging promoters to use company transport and the provision of an improved training package, which includes ways of dealing with sexual harassment and customers who attempt to force beer promoters to drink alcohol. There are, however, certain key areas in which not every company is fully complying to the Code of Conduct, so some inconsistencies remain. These include beer promoters' ownership of their own copy of their contract, their entitlement to four rest days per month and their awareness of their entitlement to paid annual leave. It was also found that the format of beer promoters' contracts were found to vary quite markedly amongst BSIC members, and some contracts are considerably more transparent than others, which is likely to influence beer promoters' understanding of their full leave entitlements.

The monitoring survey revealed that some improvements still need to be made in a number of areas. Firstly, the BSIC-wide grievance procedure is still not being implemented effectively, which means that serious grievances can still not be properly monitored and specific action taken against outlets where serial abuse occurs. Secondly, the safety of many beer promoters is still being jeopardised by unscrupulous drivers who choose not to drop the women off as close to their homes as possible. Thirdly, a worrying lack of change was observed in the proportion of beer promoters who sit with customers and drink during work hours, and the frequency of attempts by customers to force beer promoters to drink. The survey findings on alcohol consumption by beer promoters in the workplace reveal that 17.8% of respondents feel drunk at some point when working, which has serious health and safety implications. All of these are important areas requiring the BSIC's attention as a matter of urgency.

A series of recommendations are outlined in this report. These include urgent action to ensure all member are abiding by the Cambodian Labour Law, immediate and concerted initiatives to tackle the problem of BPs' drinking and drunkenness while on duty, involving a review of the proportion of income from fixed salary and commission, new training and awareness-raising on attempted forced drinking by customers as a serious grievance which must be reported, renewed efforts to implement the BSIC-wide grievance procedure effectively, the identification of improved methods to clearly communicate beer promoters' paid annual leave entitlement, and the continued promotion of the BSIC Code of Conduct in order to reach as wide an audience as possible.

In areas of the Code of Conduct in which some BSIC members are 'performing' better than others, it would be helpful for those who have achieved greater progress to share their specific experiences, methods and initiatives with other members. This mutual support could lead to agreed practical steps towards BSIC 'good practice'.

Further monitoring activities are recommended to ensure that the BSIC builds on current success and makes progress in areas which are proving more challenging.

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## List of Acronyms

BP	Beer Promoter
BSIC	Beer Selling Industry Cambodia
CAS	Center for Advanced Study
CBL	Cambodia Brewery Limited
DS	Direct Superior
NGO	Non-governmental organisation
PAC	Promotion Assistants Coordinator

## Introduction

The Center for Advanced Study (CAS), an independent Cambodian institution based in Phnom Penh, conducted a study for the Beer Selling Industry Cambodia (BSIC) between January and February 2008 in order to assess member compliance to the BSIC Code of Conduct, a series of prescribed standards of working conditions for beer promoters which cover a range of areas. The study included interviews with beer promoters and brief consultations with representatives of the four key beer companies which make up the BSIC. The findings of the baseline study were presented to BSIC members in March 2008 and a comprehensive final report was circulated in April of the same year.

The baseline survey found that fewer than 7% of respondents from the four companies consulted reported being unhappy with their current working conditions. Moreover, overall 90% of beer promoter respondents who had previously worked for non-BSIC members reported that in their current employment they considered themselves safer in the workplace, better able to deal with difficult customers, more supported by their 'direct superior', and better trained to look after their health. However, the survey identified inconsistent compliance to the Code of Conduct in a number of key areas, including beer promoters' perceived contractual status, the effective promotion and provision of company transport, and the establishment of a successful, formal grievance procedure for beer promoters to register complaints about their general working conditions and specific incidents of verbal, physical or sexual abuse and harassment. Over 38% of beer promoters surveyed across the four BSIC member companies reported experiencing sexual harassment on a regular basis, and over 70% described having experienced customers attempting to force them to drink alcohol. Further findings revealed the extent to which beer promoters sat and drank alcohol with customers during working hours, and to what extent the workplace incentive system (additional income from surpassing beer sales targets) influenced how respondents behaved with customers.

Based on the findings of the study, CAS recommended that the BSIC could improve compliance to the Code of Conduct through a number of strategic measures, including the review of contractual arrangements and more effective communication of contractual information, interventions to enhance the quality and uptake of company transport, and the creation of a standard, BSIC-wide grievance, formal procedure in order to monitor the extent of workplace abuse and harassment in order to devise strategic responses. It was also suggested that the Code of Conduct should be promoted amongst all company employers, outlet owners and wider civil society as part of a broader effort to improve the working conditions of BPs. Following the completion of the baseline survey and a discussion of recommendations, the BSIC as a whole took specific measures to improve Code of Conduct compliance and general working conditions. These included the wide promotion of the BSIC and its Code of Conduct amongst beer promoters and customers, highlighting the role of the BSIC in ensuring safe and respectful workplace standards and protecting employees from harassment and abuse, through the introduction of the BSIC logo on beer promoters' uniforms, the placement of posters and flyers at sympathetic beer-selling outlets, the introduction of a standard BSIC grievance procedure in order to monitor complaints and refresher training provided to a range of staff regarding the application of the grievance procedure. In addition, individual BSIC members undertook independent activities, such as raising beer promoter employees' awareness of their contractual rights, refresher training on sexual harassment and dealing with difficult customers, revised means of reporting grievances (following consultation with beer promoters), new methods for promoting sales to discourage sitting and drinking with customers, and in one case a revision of the proportional income from salary and commission.

The initial survey was intended to provide a baseline against which future progress could be measured. To this end, the BSIC commissioned CAS to conduct a monitoring survey one year later. A further survey was therefore carried out, following the same methodology and including largely the same questions as the original baseline survey questionnaire. A total of 500 beer promoters were surveyed in Phnom Penh and Siem Reap for the purposes of the survey. The interviewees worked for the four BSIC members currently employing BPs in Cambodia: CBL, Cambrew, Heineken (through Attwood, the distributor) and Guinness (also through a local distributor).<sup>1</sup> A survey questionnaire was developed in consultation with BSIC members.<sup>2</sup> Information was collected from all four companies regarding the total number of BPs they employed in Phnom Penh and Siem Reap and a random, proportional sample of BPs was generated, representative of the total number of beer promoter employees working for all four companies at the two study locations. The four companies were responsible for providing the random sample requested, from their current employee lists. A largely quantitative survey was conducted with this sample group, by means of confidential, anonymous one-to-one interviews, between 24 December 2008 and 22 January 2009. As with the baseline survey, the monitoring study was complemented by interviews with selected management representatives of all four BSIC members included in the survey, in order to review the process whereby the Code of Conduct is currently implemented

This report outlines the findings of the monitoring survey and company interviews, and, where relevant, compares findings from the baseline and monitoring surveys in order to assess progress over the past year.

### **Note on Structure of the Report and the Presentation of Information**

Similarly to the baseline survey report, following an overview of the background of survey respondents, the report is largely structured according to the seven standards outlined in the BSIC Code of Conduct. Relevant findings from the survey are presented in relation to each standard, followed by a summary of implications of these findings for the BSIC, which are intended to be points for discussion amongst BSIC members. The report ends with a series of conclusions and recommendations.

#### *Terminology*

Women who work selling beer are commonly referred to as beer promoters (BPs) or promotion assistants (PAs), depending on the 'language' used by different companies. As the formal BSIC documentation which was shared with CAS researchers referred to BPs, this acronym is used throughout this report.

#### *Presentation of data*

For ease of understanding, where specific data presented in tables are referred to in the accompanying text, they have been highlighted in the table. Only data which are considered to be most significant are provided in the main body of the report; selected other data are presented in Annex 3 in order not to impede the flow of the report. Where relevant, both data from the earlier baseline study are also included. To simplify presentation, the baseline data are referred to as '2008', while the data collected from the monitoring survey are referred to as '2009' (although a small proportion of the monitoring data were, in fact, collected during the last week of 2008). All of the data collected are held in a database created by CAS.

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<sup>1</sup> See Annex 1 for a list of persons met.

<sup>2</sup> See Annex 2.

## Overview of Survey Respondents

### Sample Surveyed

The survey was conducted with a representative sample of 500 beer promoters from four different BSIC member companies, as detailed in Table 1.

**Table 1: Total Sample of Beer Promoters**

Employing Company	Beer Promoted	Number of BPs interviewed in Phnom Penh	Number of BPs interviewed in Siem Reap	Total
Cambrew	Angkor	232	26	258
CBL	Tiger, Anchor, ABC	120	22	142
Guinness	Guinness	26	10	36
Heineken	Heineken	52	12	64
<b>Total</b>		<b>430</b>	<b>70</b>	<b>500</b>

Respondents ranged from 15 to 42 years of age, but the majority was between 26 and 30 years old (Table 2). The age distribution of respondents in the 2009 survey broadly corresponded with that of the 2008 sample (see comparative table in Annex 3).

**Table 2: Age of Survey Respondents**

Age	Cambrew		CBL		Guinness		Heineken	
	N	%	n	%	n	%	n	%
< 18 yrs	0	0	0	0	1	2.8	0	0
18-21 yrs	36	14.0	14	9.9	6	16.7	14	21.9
22-25 yrs	73	28.3	28	19.7	12	33.3	16	25.0
26-30 yrs	96	37.2	74	52.1	16	44.4	26	40.6
> 30 yrs	53	20.5	26	18.3	1	2.8	8	12.5
<b>Total</b>	258	100	142	100	36	100	64	100

### Longevity of Service and Previous Experiences of Beer Promotion Work

As in the 2008 survey, respondents were asked how long they had worked for their current employer. As can be seen in Table 3, the proportion of women working with their current employee for between 6-12 months and 13-24 months was found to be broadly the same as one year ago. However, in the case of every company except Guinness the number of women who had been working for their current employee for more than two years had increased, while the number who had worked in their present position for less than six months had fallen substantially since 2008, which suggests that staff turn-over has decreased. In the case of CBL at least, this finding may be linked to the decision to stop or minimise the recruitment of new staff.

## Previous Employment

Overall, almost 81% (80.8%, 404) of the beer promoters surveyed reported that their current job was their first experience of beer promotion work. This signals an increase from the baseline survey of just over 12%, which implies there are slightly more newcomers to this work, possibly due to a decline in employment opportunities in other sectors. Respondents were asked about their previous job immediately prior to working as a beer promoter for the first time.<sup>3</sup> A wide variety of work was cited, but the predominant employment prior to entering beer promotion work was working as a restaurant waitress or garment worker (21.4% and 19.2% respectively). A slight majority of respondents (55.4 % of the total sample; 277/500) reported not being in formal paid employment prior to becoming beer promoters. Of these, 33.9% (94/277) were housewives, 15.9% (44/277) ran small businesses selling groceries from home, 13.7% (38/277) were farmers, 8.7% (24/277) were students, and a very small number, 2.1% (6/277) were in some form of skills training such as hairdressing or tailoring. These findings reveal some trends of movement from certain employment sectors into beer promotion work.

Of those respondents who had previous experience of beer promotion work, overall almost 73% had worked for other BSIC members, 25% for non-BSIC members, and around 2% had worked for both. As in the baseline survey, a wide range of non-BSIC employees were cited. The most common were found to be "Muscle" Wine (*Sra Sach Dom* – a local distillery), Soon Soon, Love Beer and King Way.

## Type of Outlets Where Respondents Currently Working

The most common venue where the BPs who were interviewed were working were restaurants and barbecue/soup shops (*sach aing*).<sup>4</sup> Beer gardens, banquet functions, and to a lesser extent bars, karaokes and discotheques were also cited. Some BPs were working in more than one outlet, but as with the baseline survey, these constituted a minority (645 outlets were reported out of the total sample of 500 respondents).

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<sup>3</sup> This question was not asked during the baseline survey.

<sup>4</sup> Soup shops are increasingly popular small-scale restaurants selling barbecue/soup and beer.

Table 3: Longevity of Service By Company in 2008 and 2009

Length of Service	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	N	%	n	%	N	%	n	%	n	%	n	%	n	%	N	%	n	%	n	%
< 6 months	57	25	36	14	45	24	3	2	11	73	26	72	11	17	3	4.7	124	25	68	14
6 - 12 months	49	22	55	21	59	31	48	34	3	20	10	28	18	28	14	22	129	26	127	25
13 - 24 months	47	21	47	18	39	21	30	21	0	0	0	0	12	19	14	22	98	20	91	18
> 24 months	72	32	120	47	46	24	61	43	1	7	0	0	23	36	33	52	142	29	214	43
Total	225	100	258	100	189	100	142	100	15	100	36	100	64	100	64	100	493	100	500	100

Table 4: Respondents' Views on Whether Wearing the BSIC Logo Makes them Feel More Respected in the Workplace

	Cambrew		CBL		Guinness		Heineken		Total	
	N	%	n	%	n	%	n	%	n	%
Yes	245	95	126	88.7	27	75	57	89.1	455	91
No	8	3.1	9	6.3	2	5.6	2	3.1	21	4.2
Don't know	5	1.9	7	4.9	7	19.4	5	7.8	25	4.8
Total	258	100	142	99.9	36	100	64	100	500	100

# Summary of Findings and Implications for the BSIC

## Awareness, Understanding and Perceived Impact of the BSIC

Considerable efforts were made by the BSIC during the period between the baseline and monitoring surveys to raise awareness amongst beer promoters about the existence and aims of the BSIC Code of Conduct. These included the addition of the BSIC logo to beer promoters' uniforms, internal briefings and the development of a training video (although this video was not available to beer promoters in the period prior to the monitoring survey).<sup>5</sup>

Respondents' awareness of the BSIC and their perception of the impact of wearing the BSIC badge were explored during the monitoring survey. Awareness of the BSIC was high. Overall, 80.8% of respondents stated that they knew what the BSIC was, and the figure was at least 75% for every company (see table in Annex 3). Amongst those 404 respondents who claimed to know what the BSIC was, however, full understanding of the BSIC was less common. Overall, only 24.5% of these respondents demonstrated full understanding of the BSIC, which was defined for the purposes of the survey as understanding of the nature of its membership as well as its purpose. Just over 50% demonstrated partial understanding of the BSIC, which was defined as understanding its purpose, even if membership was unclear (one common misunderstanding was that the BSIC is an NGO or some kind of activist group, for example). Finally, 25% demonstrated no clear understanding, either of the membership or purpose of the BSIC. These figures were broadly similar across all companies (see table in Annex 3).

In order to assess the impact of the promotion of the BSIC and the Code of Conduct through beer promoters wearing the BSIC logo on their uniform, respondents were asked whether wearing the BSIC "badge" makes them feel more respected in the workplace. The response was overwhelmingly positive from over 90% of all respondents (Table 4). Further, respondents who considered that wearing the BSIC badge had resulted in enhanced respect in the workplace provided clear examples of this. By far the most common were that customers speak to them more politely and are less likely to "scold" them than before (380/455 respondents; 83.5%), and that customers no longer touch their bodies like they used to do (mentioned by 356/455 respondents; 78.2%), an important finding, given the levels of sexual harassment which were reported in the baseline survey. Some respondents also reported that customers no longer ask them to go outside/have sex with them (92/455; 20.2%), and others that customers no longer force them to sit at tables and drink alcohol (88/455; 19.3%).

The baseline survey in 2008 revealed that 90% of respondents who had worked for non-BSIC members previously compared working with BSIC members much more favourably in the four areas of safety in the workplace, dealing with difficult customers, being supported by their direct superiors and being trained to look after their health. The same sub-sample in the monitoring survey compared working for BSIC members even more favourably (Table 5). Overall, 100% reported that they felt safer in the workplace with their current employer than with a previous non-BSIC employer/s, while over 96% of respondents who had experience of working for both BSIC and non-BSIC members felt that BSIC employers offer better conditions in the three other areas.

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<sup>5</sup> Additional activities have also been conducted to raise the awareness of outlet owners and customers, such as customer briefings by sales staff, posters and flyers.

**Table 5: Comparison Between Working Conditions Provided by BSIC Members and non-BSIC Companies, 2008 and 2009**

Statement	Agree 2008	Agree 2009	Disagree 2008	Disagree 2009	Total 2008	Total 2009
	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)
With my current employer I feel...						
Safer in the workplace	97 (33)	100 (26)	3 (1)	0 (0)	100 (34)	100 (26)
Better able to deal with difficult customers	94 (32)	96.2 (25)	6 (2)	3.8 (1)	100 (34)	100 (26)
More supported by my direct superior	91 (31)	96.2 (25)	9 (3)	3.8 (1)	100 (34)	100 (26)
Better trained to look after my health	91 (31)	96.2 (25)	9 (3)	3.8 (1)	100 (34)	100 (26)

Although numbers are small, this is an encouraging reflection on the benefits offered to employees by companies which belong to the BSIC, and reaffirms the earlier finding from the baseline survey, that BSIC members are offering a safer and healthier work environment for their employees than other rival beer companies.

### Satisfaction with Working Conditions

In a further, positive finding, the monitoring survey revealed how employees' satisfaction with working conditions has risen substantially overall. While the baseline survey found that fewer than 7% of respondents from the four companies consulted reported being unhappy with their current working conditions, in the monitoring survey this figure had dropped to 1.8%. Moreover, when asked to name three changes to improve their working conditions, around 27% of respondents stated that they were totally happy with their conditions. Levels of satisfaction varied amongst companies, however. The proportion of respondents working for Cambrew who stated they were happy with their working conditions rose from 40.2% in the baseline survey to 71.3%, for example, while the proportion of those working for Heineken who reported contentment with their working conditions rose from 46.9% to 85.9% (Table 6). The exception to the overall trend was CBL, which saw a slight fall in the number of employees who reported being happy with their working conditions, and an increase in those who reported being unhappy with their conditions, though numbers were small, particularly in the latter area.

**Table 6: Respondents' Views on Their Working Conditions, 2008 and 2009**

	Cambrew 08		Cambrew 09		CBL 08		CBL 09		Guinness 08		Guinness 09		Heineken 08		Heineken 09	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Happy with them	76	40.2	184	71.3	140	62	76	53.5	7	46.7	22	61.1	30	46.9	55	85.9
Could be better, but are bearable	105	55.6	70	27.1	81	36	62	43.7	7	46.7	13	36.1	31	48.4	9	14.1
Unhappy with them	8	4.2	4	1.6	4	1.8	4	2.8	1	6.7	1	1.8	3	4.7	0	0
Total	189	100	258	100	225	100	142	100	15	100	36	100	64	100	64	100

### **Suggested Improvements to Working Conditions**

Improvements suggested by respondents varied across company, but common areas included an increase in base salary, in line with the cost of living, flexibility in commission payments depending on the number of customers, improvement in leave conditions (examples were cited where statutory leave entitlement was not strictly adhered to or respected, for example), suggestions for improving uniforms in order to make them more attractive, practical and less revealing, improving the timelines of company transport pick-up and drop-offs, ensuring company drivers drop off beer promoters as close to their homes as possible, and ensuring direct superiors talk and behave more respectfully to beer promoters and media promotions to educate customers and the public that beer promoters deserve respect and should not be harassed. Company-specific suggestions which are generalisable across the BSIC included a lump-sum payment when BPs retire from service, the provision of anonymous complaints boxes as some BPs are too shy to take their grievances directly to their direct superior, supplying company identity cards in case of accidents, and the provision of skills training. All BSIC members have been provided with the specific suggestions for their particular company.

### **Implications for the BSIC**

- The promotion of the BSIC, particularly through the introduction of the BSIC logo on BPs' uniforms, appears to have brought tangible benefits to BPs, particularly in the areas of sexual harassment and verbal abuse, and should be developed and sustained.
- The relative benefits of working for BSIC members (as acknowledged by respondents who have had experience of employment both by members and non-members) can be promoted.

## Employment Status

### (a) Contractual Agreement

*"Beer promoters must have a transparent, written contract...The BPs will receive a copy of the contract..."* – BSIC Code of Conduct, Standard 1

The baseline survey found that overall more than 20% of respondents were unaware of the existence of a written contract in their name. Consequently, BSIC members made a conscious effort to improve employees' awareness of their contracts and enhance understanding of the importance of and meaning of these documents. It appears that certain progress has been made in this area. The monitoring survey revealed a clear increase in awareness, with only 6.2% of respondents unaware of the existence of their contract (Table 7). A marked increase in awareness was observed across all companies, but most dramatically amongst employees of Guinness and Heineken, who reported the lowest levels of awareness in the baseline survey. However, Guinness slightly lagged behind the other companies in levels of awareness; at least 90% of respondents from all companies except Guinness were aware of their contracts, while amongst Guinness respondents the rate was just over 83%.

Of the 469 respondents in the monitoring survey who reported having a written contract, 93% reported having a copy of this contract. Again, overall this was a substantial increase compared with the baseline survey. This increase was observed across all companies bar Guinness, where very few respondents who were aware of the existence of a contract in their name reported owning a copy of this contract (8 out of 30; 26.7%).

### (b) Salaries and Incentives

*"...Beer promoters will receive a fixed monthly base salary and will always be remunerated in accordance with Cambodian rules and regulations. Incentive systems can be put in place on top of the basic salary but should be set up in such a way that they don't lead to unhealthy or unsafe situations. The BSIC rejects commission-only work"* – BSIC Code of Conduct Standard 1

At the request of the BSIC, the monitoring survey included questions about total take-home pay and a breakdown of this payment for the two months prior to the survey. It should be noted that by 1 February 2008, when Cambrew abandoned a commission-only employment system, all BSIC members had effectively rejected commission-only work. However, 22 respondents working for Cambrew claimed to still be working on a commission-only basis and so were excluded from the data analysis on monthly salaries and take-home pay.

Table 7: Proportion of Respondents Who Reported Having a Written Contract

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	N	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Yes	191	84.9	249	96.5	145	76.7	128	90.1	4	26.7	30	83.3	40	63	62	96.9	380	77.1	469	93.8
No	33	14.7	7	2.7	35	18.5	8	5.6	9	60	5	13.9	17	27	2	3.1	94	19.1	22	4.4
Don't know	1	0.4	2	0.8	9	4.8	6	4.2	2	13.3	1	2.8	7	11	0	0.0	19	3.9	9	1.8
Total	225	100	258	100	189	100	142	100	15	100	36	100	64	100	64	100	493	100	500	100

Table 8: Proportion of Respondents Who Reported Having a Copy of Their Written Contract

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	N	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Yes	173	90.6	247	99.2	119	82.1	123	96.1	0	0	8	26.6	11	27.5	58	93.5	303	79.7	436	93
No	13	6.8	1	0.4	24	16.6	4	3.1	4	100	22	73.4	27	67.5	3	4.8	68	17.9	30	6.4
Don't know	5	2.6	1	0.4	2	1.4	1	0.8	0	0	0	0	2	5	1	1.6	9	2.4	3	0.6
Total	191	100	249	100	145	100	128	100	4	100	30	100	40	100	62	99.9	380	100	439	100

Certain changes in average salaries and average income from commission were identified since the baseline survey (Table 9), and these varied between companies, although for Cambrew, the data are not readily comparable as the 2008 data was based on two separate sub-samples, one group which earned salary only, and one which earned commission only. At CBL, both average salaries and income from commissions appear to have dropped somewhat. At Guinness, the average salary has dropped since 2008, but average income from commissions has increased, while at Heineken average salaries have increased but average pay from commission has dropped. This reflects a new policy by Heineken to somewhat increase beer promoters' fixed salary and lower their monetary income from commission in an attempt to better ensure their safety and dignity in the workplace. As can be seen from data presented later in this report, this strategy appears to have had some success, as Heineken employees were found to be less likely to sit and drink alcohol with customers while on duty.

It should be noted, however, that the mean data which are presented are only indicative given the wide range of responses, as revealed by the minimum and maximum values (also presented in Table 9). The most common (mode) basic salary paid by each company, which was the same across the two months prior to the survey, was as follows: Cambrew, \$50; CBL, 64\$; Guinness, \$60; and Heineken, \$55.

BPs' total take home pay is based on their salary, any commission earned and additional bonuses for working rest days or public holidays. These bonus rates vary amongst the different BSIC members. The contribution that both commission and bonus pay can make to total take-home pay is evident from the data presented in Table10.

#### *Promised salary and actual earnings*

As with the baseline survey, little negative discrepancy was identified between the monthly salary promised to respondents by their employing company when they were first recruited, and the income they currently reported receiving was very rare. In other words, by far the majority of respondents earned exactly the salary they had been promised in their contract, while in some cases respondents were earning more than they had originally been promised, which may reflect company policies of increasing salary as a result of longevity of service.

#### **Impact of incentive system**

Virtually all respondents reported being able to earn incentive payments (commission) on top of their base salary if they meet agreed sales targets. When asked to elaborate on the target and incentive system according to which they work, some respondents expressed confusion, mixing up this target system with bonus pay for working on rest days, or carrying out additional work at wedding functions for example<sup>6</sup>. Moreover, no clear system of incentives emerged from the various beer promoters working for the same company. As targets vary according to outlet, this is not surprising. But there may also be some prevailing confusion amongst certain BPs as to which incentive system they are supposed to be working to. This means that they may not be aware of exactly what pay they are entitled to each month.

To assess the potential impact of a sales-based incentive system on beer promoters' behaviour, respondents who reported earning commission on beer sales were asked whether this incentive system meant that they did things with clients which they would not normally otherwise do.

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<sup>6</sup> Unfortunately it appears that in these cases the enumerators did not resolve the confusion and "prompt" the respondents for further information.

Table 9: Average Salaries and Commission Pay, 2008 and 2009 Surveys

Company	Mean Salary One Month Prior to Survey 2008	Mean Salary One Month Prior to Survey 2009	Mean Salary Two Months Prior to Survey 2008	Mean Salary Two Months Prior to Survey 2009	Mean Commission One Month Prior to Survey 2008	Mean Commission One Month Prior to Survey 2009	Mean Commission Two Months Prior to Survey 2008	Mean Commission Two Months Prior to Survey 2009
Cambrew	\$52* max: \$197	\$53.9** min: \$50 max \$70	\$54* max \$186	\$53.9** min: \$50 max \$70	\$119* max: \$585	\$58.9** min: \$0 max: \$492	\$115* max: \$505	\$41.1** min: \$0 max: \$570
CBL	\$ 66 max: \$101	\$63.7 min: \$36 max: \$84	\$70 max \$100	\$64.1 min: \$42 max: \$84	\$32 max : \$340	\$13.8 min: \$0 max: \$60	\$33 max : \$162	\$12.5 min: \$0 max: \$51
Guinness	\$ 71 max: \$145	\$57.2 min: \$31 max: \$110	\$66 max \$85	\$55.5 min: \$50 max: \$70	\$13 max: \$ 23	\$23.2 min: \$0 max: \$60	\$11 max: \$19	\$38.6 min: \$0 max: \$135
Heineken	\$ 62 max: \$130	\$69.4\$ min: \$55 max: \$120	\$64 max : \$110	\$68.9 min: \$55 max: \$120	\$25 max : \$200	\$9.6 min: \$0 max: \$30	\$17 max : \$65	\$8.9 min: \$0 max: \$30

\*Respondents earned either a fixed salary, or commission, not both.

\*\*Respondents earned both a fixed salary and commission; respondents who reported receiving commission were excluded from analysis

Table 10: Average Take-Home Pay in Two Months Prior to Survey

Company	Mean Take-Home Pay One Month Prior To Survey	Mean Take-Home Pay Two Months Prior To Survey
Cambrew	\$151 min: \$50      max \$542	\$ 136.8 min: \$50      max: \$640
CBL	\$92.8 min:\$39      max: \$77	\$102 min: \$27      max: \$160
Guinness	\$88.2 min: \$31      max: \$70	\$97.9 min: \$55      max: \$155
Heineken	\$95.2 min: \$60      max: \$70	\$86 .1 min: \$55      max: \$152

In the 2008 baseline survey, almost 20% of respondents reported that the incentive system meant that they did things with clients which they would not normally do. As can be seen from Table 11, this proportion had dropped markedly by the time of the 2009 survey, to just under 8%, and had fallen across all companies. This change may be related to the promotion of the BSIC logo and Code of Conduct which provides clear guidelines as to what is acceptable and unacceptable interaction between BPs and customers. Amongst those who reported behaving differently with clients, the behaviour cited included sitting with customers, touching them, kissing them, allowing customers to touch BPs' own bodies, promising to sleep with customers and (a tiny minority) actually having sex with customers in order to boost sales.

### **(c) Paid Leave and Other Benefits**

The BSIC Code of Conduct stipulates that the employment status of beer promoters will comply with Cambodian law, hence members are obliged to provide paid leave under particular conditions, such as sickness and during late pregnancy and after childbirth, and should provide their employees with at least four paid rest days every month.

The baseline survey apparently identified both some confusion amongst BPs concerning the paid leave to which they are entitled, and some inconsistencies in actual leave entitlements. It was therefore decided to explore the issue of paid leave in more depth in the monitoring survey.

#### **Sick Pay**

According to Cambodian law, employees are entitled to paid leave during periods of sickness,<sup>7</sup> yet overall almost 23% respondents in the 2008 baseline survey reported that they did not receive their base salary if they were absent from work due to illness (this proportion varied amongst companies, ranging from as high as 46.7% and 32.8% amongst BPs working for Guinness and CBL, respectively, to 16% and 10.9% amongst BPs employed by Cambrew and Heineken). As BSIC members considered that at least some of these responses may have been due to poor of understanding of company procedures, to assess the situation in 2009, respondents were asked a more specific question: whether they were entitled to still receive their base salary when they are absent from work due to sickness with a medical letter and permission from their direct superior, hence when they behave in correspondence with company procedure.

Overall, almost 90% of the beer promoters who responded to this question<sup>8</sup> considered that they were entitled to paid sick leave with permission and a medical letter. Again, there was some variability between companies, however. Only 58.3% of Guinness employees considering themselves to have this entitlement, and the remaining 41.7% of Guinness employees said they didn't know whether they were had this right or not. Almost 97% of BPs working for Heineken were aware of this right. The figures for Cambrew and CBL were around 88% and 90% respectively. Hence few respondents working for Heineken, Cambrew and CBL considered themselves to *not* be entitled to such paid sick leave (1.6%, 2.5% and 4.9% of respondents, respectively) or did not know about their sick leave entitlement (1.6%, 9.3% and 4.9% respectively).

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<sup>7</sup> 'Labour Law, Kingdom of Cambodia Ministry of Social Affairs, Labour and Veteran Affairs', 1997. Article 169, pp.49-50.

<sup>8</sup> There are 22 cases of missing data for this question, which relate to respondents who stated that they were working on a commission-only basis, and hence were not receiving a monthly salary.

**Table 11: Proportion of Respondents Reporting That The Incentive Systems Mean They Do Things With Customers Which They Would Not Normally Do, 2008 and 2009 Surveys**

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	N	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Yes	28	18	20	8.0	51	27.7	13	9.4	2	13.3	4	11.1	2	3.2	1	1.6	83	19.9	38	7.8
No	110	71	221	88.8	102	55.4	124	89.2	13	86.7	32	89.0	54	85.7	62	96.9	279	66.9	439	90.0
Don't know	17	11	8	3.2	31	16.8	2	1.4	0	0.0	0	0.0	7	11.1	1	1.6	55	13.2	11	2.3
Total	155	100	249	100.0	184	99.9	139	100.0	15		36	100.1	63	100.0	64	100.1	417*	100.0	488**	100.1

\*Data missing for 76 respondents, the majority of whom were Cambrew employees working according to a salary-only arrangement

\*\*12 respondents reported that they were not working according to an incentive system.

## Rest Days

All respondents (100%) from Cambrew, CBL and Heineken were aware of their entitlement to one rest day a week (four days in a month). All Guinness employees, however, stated that they had no such entitlement. From the post-survey interview with a Guinness representative it appears, moreover, that Guinness does not offer such an entitlement; beer promoters working for this company are allowed two days off per month. Guinness does not, therefore, conform to the BSIC norm of rest day entitlement which is in line with Cambodian law.

## Paid Annual Leave

Beer promoters working for the four BSIC members included in the survey are entitled to 18 days annual leave each year. This leave entitlement is clearly stipulated in all CBL contracts (one and a half working days per month following one year's service), is mentioned without any clear details in Heineken contracts, only vaguely referred to in contracts issued by Guinness, and not mentioned at all in work contracts which are issued by Cambrew. It is not clear why this basic information is excluded from these contracts.

Respondents' ambiguous responses when they asked whether they are entitled to personal holiday without their salary being cut, may reflect the lack of clarity provided in some of their contracts. Overall, 59.4% were aware of their entitlement to paid annual leave, but responses were markedly varied amongst the different companies (Table 12). It can be seen that BPs' awareness of paid annual leave was generally low amongst respondents from all companies except Cambrew. Guinness employees were particularly unaware; almost 14% considered themselves not to be entitled to this leave, while the rest did not know, despite the fact that the Guinness representative in Phnom Penh informed CAS researchers that BPs working for Guinness *are* entitled to annual leave. The low levels of awareness amongst CBL employees are also striking, given, as already mentioned, CBL clearly stipulates leave entitlement in its standard contracts. To explore these findings further we analysed a sub-sample of respondents, namely those who had been working at their employing company for at least a year, in order to assess whether a misunderstanding may have arisen due to the fact that this leave entitlement is only applicable after one year's continuous employment (at least in the case of CBL). Yet findings from this sub-sample were not dramatically different (Table 13).

**Table 12: Respondents' Understanding of Their Paid Annual Leave Entitlement (Total Sample)**

	Total		Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%	n	%
Entitled	297	59.4	214	82.9	70	49.3	0	0	13	20.3
Not entitled	50	10	4	1.6	13	9.2	5	13.9	28	43.8
Don't know	153	30.6	40	15.5	59	41.5	31	86.1	23	35.9
Total	500	100	258	100	142	100	36	100	64	100

**Table 13: Understanding of Annual Paid Leave Entitlement Amongst Respondents Working for Employer for More than One Year**

	Total		Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%	n	%
Entitled	213	64.4	147	83	56	56	0	0	10	18.9
Not entitled	37	11.2	3	1.7	9	9	0	0	25	47.2
Don't know	81	24.5	27	15.2	35	35	1	100	18	34
Total	331	100.1	258	100	142	100	1	100	53	100.1

To further clarify respondents' understanding of their annual leave entitlement, those who were aware of their right to this paid holiday were asked how many days' leave they were authorized to take each year. Again, understanding varied amongst BPs working for different companies (Table 14). Most respondents working for Cambrew and CBL who named a figure were, in fact, correct in citing 18 days, but a good proportion of BPs working for these companies were not, in fact, aware of their specific leave entitlement.

**Table 14: Respondents' Views On Number of Paid Annual Leave Days to Which They Are Entitled**

	Total		Cambrew		CBL		Heineken	
	n	%	n	%	n	%	n	%
< 18 days	28	9.4	7	3.3	14	20	7	53.8
18 days	195	65.7	170	79.4	25	35.7	0	0
>18 days	6	2	5	2.3	1	1.4	0	0
Don't know	68	22.9	32	15	30	42.9	6	46.2
Total	297	100	214	100	70	100	13	100

When the 297 respondents who understood about the annual leave entitlement were asked to provide details about this system, most clearly distinguished between this and other forms of leave, but a small proportion of Cambrew and CBL employees expressed some confusion about the relationship between paid annual leave (personal holiday), and sick leave, stating that leave taken due to illness with a medical letter is deducted from personal paid leave.

### Public Holiday Entitlement

Respondents were asked whether they were entitled to not work on public (national) holidays without their salary being cut. Over 97% of respondents from all companies were aware of this entitlement; just over 99%, 100%, 100% and around 97% for Cambrew, CBL, Heineken and Guinness respectively.

### Maternity Leave and Pay

All respondents were asked whether they were entitled to 90 days maternity leave, which is stipulated in Cambodian law, and provided as a right by all four members of the BSIC which were surveyed, in line with the BSIC Code of Conduct. Again, awareness of this entitlement was high: 99.2%, 97.2%, 93.8%, and 83.8% amongst beer promoters from Cambrew, CBL, Heineken and Guinness respectively. Although figures were lower, most of the respondents who were aware of their maternity entitlement also understood that they were entitled to receive a salary payment from their employers during any maternity break: almost 94%, 88%, 77% and 77% in the case of employees from Cambrew, CBL, Heineken and Guinness respectively.

It is clearly stated in the employment contracts issued by Cambrew, CBL and Heineken that beer promoters who take maternity leave after having worked for the company for a one year continuous period are entitled

to 50% of their base salary during this 90 day maternity period, a proportion which is in line with Cambodian law. However, respondents' knowledge of the amount of base salary to which they were entitled during maternity leave was variable. While at least half of respondents from Cambrew, CBL and Heineken could accurately state the proportion of base salary to which they were entitled, a substantial number of respondents - 30% overall - did not know what their maternity salary entitlement was (Table 15). A representative of Guinness based in Phnom Penh stated that, in fact, Guinness provides full pay for the maternity break period, which is more than the legal stipulation. If this is, indeed, the case, over 40% of the Guinness employees consulted for the monitoring survey were unaware of this fact.

**Table 15: Respondents' Understanding of Proportion of Base Salary Paid During Maternity Leave**

	Total		Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%	n	%
Full salary	32	7.5	9	3.8	6	5	10	43.5	7	15.2
Half salary	267	62.5	152	64.1	85	70.2	3	13	27	58.7
Don't know	128	30	76	32.1	30	24.8	10	43.5	12	26.1
Total	427	100	237	100	121	100	23	100	46	100

### Implications for BSIC

- Definite progress has been made in increasing employees' awareness of their contracts and enhancing their understanding of the importance of and meaning of these documents. Further work in the provision of written contracts is required by Guinness.
- Awareness of maternity leave and pay, public holidays and rest days is generally high; this information is being successfully communicated.
- Guinness is currently in breach of the Cambodian Labour Law and the BSIC Code of Conduct with regards to its rest day policy. This should be resolved as a matter of urgency, particularly given Guinness's stated intention to increase its presence in Cambodia.<sup>9</sup>
- It is unclear why some companies clearly detail certain information, such as paid annual leave and maternity benefits in their contracts, and others only vaguely refer to it or omit it. This makes it less likely for BPs working for certain companies to be aware of and understand their rights.
- Paid leave appears to be a particularly problematic area. All BSIC members do not appear to be effectively communicating annual paid leave entitlement to their BP employees. It would be interesting to review how many BPs are, in fact, taking the paid leave to which they are entitled, and if not, the reasons for their not doing so. Clearly measures need to be taken to inform BPs about the nature of annual paid leave, and what their particular entitlement is.
- A number of Cambrew employees are apparently still on commission-only work, which is contrary to the BSIC Code of Conduct.

<sup>9</sup> Personal communication to CAS researchers by Guinness representative in Phnom Penh.

## Organisation of Work

### (a) Awareness of Supervisory System

*"BPs will be clearly informed on whom their supervisor is"* – BSIC Code of Conduct. Standard 2

While the supervisory and management system for beer promoters varies amongst companies, all BPs are supposed to be aware of their "direct superior", the company representative who is immediately responsible for them and who visits them at the outlets where they work on a regular basis to supervise and monitor their work and working conditions, and, critically, to whom they have been instructed to relay any work-related complaints. Different companies have different job titles for those who perform the role of direct superior, depending on their staff structure. All respondents in the baseline survey were aware of who their direct superior was. Similarly, in the monitoring survey 100% of respondents from each company were aware of the identity of their direct superior.

### (b) Grievance Procedures

*"BPs will be clearly informed...that a procedure is in place for them to express any grievances in relation to their work. The procedure includes the use of a database where all grievances must be registered."* – BSIC Code of Conduct, Standard 2

The 2008 baseline study revealed how different grievance procedures were in place at the four BSIC companies surveyed, with only Cambrew and CBL following the BSIC prescription of a formal procedure and a database for registering complaints. Following the baseline survey recommendation, a common, BSIC-wide grievance procedure was formalised around May 2008, and introduced to all new staff as part of the induction process and existing staff through new training. A key element of this new, BSIC-wide system was a standard report form for recording individual grievances, and a summary form for all grievance cases, with the aim that completed forms would be entered into a database. Probably due to the awareness-raising activities of the various companies, respondents' awareness of the existence of a grievance procedure rose substantially between the baseline and monitoring surveys (Table 16), a change which is clearly demonstrated in Figures 1 and 2. Awareness of the grievance procedure was strikingly similar across both study sites: just over 77% of respondents in both Siem Reap and Phnom Penh were aware of their company's grievance procedure.

Furthermore, respondents in the monitoring survey were more likely to report complaints about the behaviour of customers or other men in the workplace to their direct superiors than those in the baseline survey. Overall, 96.6% of the beer promoters interviewed in the monitoring survey said that if they have complaints to make they approach their direct superiors, compared with 89.2 % in the baseline survey. Interestingly, overall respondents were less likely to report complaints to the outlet owner than those in the baseline, except for those employed by Guinness, and to a marginal degree, Heineken. (see table in Annex 3).

Table 16: Respondents' Awareness of Company Grievance Procedure

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	n	%	n	%	N	%	n	%	n	%	n	%	n	%	n	%
Yes	89	47.1	181	70.2	116	51.6	132	93.0	1	6.7	24	66.7	13	20.3	49	76.6	219	44.4	386	77.2
No	8	4.2	11	4.3	20	8.9	3	2.1	3	20.0	2	5.6	11	17.2	3	4.7	42	8.5	19	3.8
Don't know	92	48.7	66	25.6	89	39.6	7	4.9	11	73.3	10	27.8	40	62.5	12	18.8	232	47.1	95	19.0
Total	189	100	258	100	225	100	142	100	15	100	36	100	64	100	64	100	493	100	500	100

Figure 1: Respondents' Views on Whether Employing Company Has a Grievance Procedure, 2008

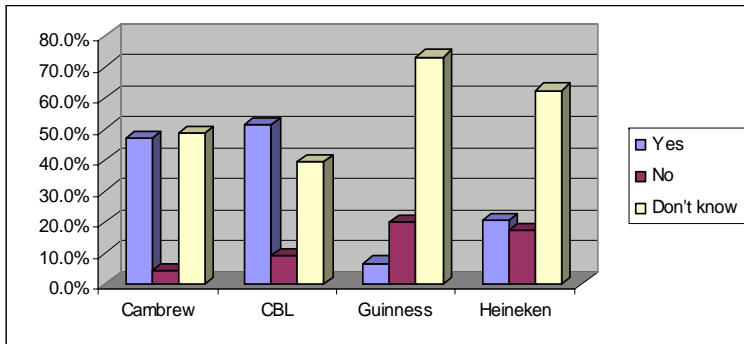
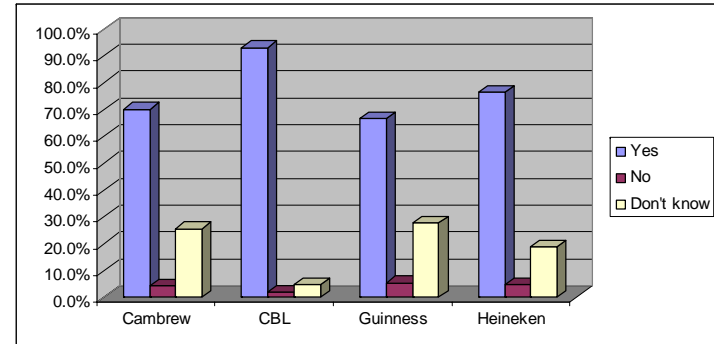


Figure 2: Respondents' Views on Whether Employing Company Has a Grievance Procedure, 2009



### *Reporting of grievances*

The BSIC code on grievance procedure, cited above, is closely linked to that on harassment, in which it is stated that “All BSIC members will maintain an accurate and up-to-date abuse and harassment reporting system and share this within the BSIC. It is compulsory to register all reported cases”. Given this stated interest in monitoring the prevalence of abuse sexual harassment, respondents in the monitoring survey were asked about the number of times they had made a ‘serious’ complaint over the past seven months (since the new BSIC grievance procedure had been instigated), namely one concerning customers pressurizing them to drink, sexual harassment, verbal harassment (insults and abuse) or physical violence. As this question was different to that which was posed in the baseline survey, which focused on general workplace complaints per se, the two sets of data cannot readily be compared.

Overall, only 9% of respondents (45 individuals) reported having made a complaint, and only 3 respondents (less than 1%) had complained more than once (Table 17), all of whom were Cambrew employees. In at least 80% of these cases the complaint was taken to the beer promoter’s direct superior, or to the outlet owner who then informed the direct superior. In only a small minority of cases the complaint was taken to an individual in authority over the direct superior or to an NGO. Virtually all of the complaints were made in Phnom Penh; only one of these complaints was made by a BP working in Siem Reap. This finding is interesting, given that according to survey findings BPs in Siem Reap are just as likely to experience sexual harassment as those working in Phnom Penh (see data presented later in report).

**Table 17: Number of Times Respondents Made a Serious Complaint Since May 2008**

	<b>Cambrew</b>	<b>CBL</b>	<b>Guinness</b>	<b>Heineken</b>
	<b>% (n)</b>	<b>%(n)</b>	<b>%(n)</b>	<b>%(n)</b>
0 times	86.8 (224)	96.5 (137)	97.2 (35)	92.2 (59)
Once	12 (31)	3.5 (5)	2.8 (1)	7.8 (5)
2-4 times	1.2 (3)	0 (0)	0 (0)	0 (0)
Total	100 (258)	100 (142)	100 (36)	100 (64)

Given that the new BSIC-wide procedure is for all serious complaints to be recorded, respondents were shown the grievance form which is used to detail any incidents and asked whether they were familiar with it. Findings varied by company: 88% of CBL employees were familiar with the form, 51.6% of Heineken employees recognized it, 46.1% of Cambrew knew it and 41.7% of beer promoters working for Guinness recognized it. It is important to note, however, that recognition of the grievance form by respondents is not necessarily an indicator of the successful (or not) implementation of the new grievance procedure, as direct superiors may record and file serious complaints after the event, or after noting down the details of the incident following a telephone call from a BP. Unfortunately we did not ask survey respondents who described reporting complaints whether they were fully satisfied with the outcome. This may have been enlightening, but again, regardless of BPs’ views on the outcome, if incidents are serious enough to be reported, following the BSIC’s own stated procedures they should be recorded, regardless of the outcome and whether the parties involved feel that the issue has been resolved (or not).

The complaints which were described by respondents included sexual harassment (customers groping various parts of BPs’ bodies) a number of cases of physical abuse (such as BPs having their faces slapped or their heads slammed down on a table), violence (glasses being smashed), six incidents in which the BP in question was threatened with a gun, BPs being grossly insulted and one case of an outlet owner pressurising a BP to have sex with customers. The detail provided by respondents was enlightening in a

number of ways. Firstly, the 'power' of the BSIC logo was revealed in one case in which a customer was about to hit a BP but stopped "because of the BSIC badge". Further, some BPs' understanding the new grievance procedure was expressed in one respondent's comment that her direct superior noted down her reporting of an incident of sexual harassment "...in order to protect me from mistreatment next time". Unfortunately, as detailed below, this faith is currently unfounded as the system for monitoring outlets which the grievance procedure is supposed to provide is not yet functioning. Finally, as respondents were asked to provide full details of both the incidents they reported and the outcome, it is clear that in some cases direct superiors are not fulfilling their role of supporting BPs in the face of harassment. Frequently direct superiors encouraged BPs to respond to harassment in a humble fashion, using "soft words", and in one case it was recommended that the BP apologise to a customer who was severely harassing her and groping her body and explain gently that she is not a sex worker! In two rare instances (both involving beer promoters working for CBL), the police were called, either by the direct superior or the outlet owner, and a cash payment was negotiated with the perpetrator as compensation to the BP for the sexual harassment she experienced. It is not clear why these incidents merited police involvement when others which appeared potentially more threatening and dangerous did not, however this exemplifies the variability of responses by direct superiors and outlet owners to serious cases of harassment and abuse.

To clarify what respondents who had taken serious complaints to their direct superiors perceived to have taken place through this reporting process, researchers asked them whether, as they understood it, a written grievance was filed. Findings are presented in Table 18, which reveals that few of the 39 respondents understood that a written grievance had been recorded, despite the fact that all serious complaints are supposed to result in the formal recording and filing of a formal grievance report. As the table shows, it was more common for direct superiors to make notes, or for a verbal complaint to be made directly to the DS in question or over the telephone. Yet even these interactions do not preclude grievances being filed by the DS in question. According to the new BSIC procedure, all serious grievances should be recorded, hence one would expect to find all of these complaints somewhere in the records of the companies in question.

**Table 18: Respondents' Perception of System Whereby Complaints Made to their Direct Superiors**

	<b>Cambrew</b>	<b>CBL</b>	<b>Guinness</b>	<b>Heineken</b>
	<b>% (n)</b>	<b>% (n)</b>	<b>% (n)</b>	<b>% (n)</b>
Written grievance filed in my presence	3.2 (1)	0 (0)	0 (0)	33.3 (1)
Notes made in my presence	29 (9)	0 (0)	0 (0)	66.6 (2)
Verbal complaint made in presence of DS	51.6 (16)	50 (2)	100 (1)	0 (0)
Verbal complaint over telephone	16.1 (5)	50 (2)	0 (0)	0 (0)
<b>Total</b>	<b>99.9 (31)</b>	<b>100 (4)</b>	<b>100 (1)</b>	<b>99.9 (3)</b>

During the interviews which CAS researchers conducted with beer company representatives after the completion of data collection, attempts were made to triangulate this data and at least track the three cases in which respondents considered a grievance report had been filed. Not all of these cases were identified in company records. As already noted, the 39 complaints which were reported involved the reporting of serious incidents such as sexual harassment or physical or verbal abuse. According to the BSIC grievance procedure, as all of these serious incidents resulted in complaints on the part of the BP in question, should have found their way into the grievance records, but this was not found to be the case. It is unclear why the

direct superiors in question decided not to record these incidents. There may still be a sense, as documented in the baseline survey, that if an incident is 'resolved' in a way which is relatively acceptable to all parties, then there is no need to record this incident. Yet such non-recording of serious incidents means that the BSIC is still not able to effectively monitor the extent of workplace abuse and harassment affecting beer promoters and to identify outlets where these are more likely to place, in order to devise strategic responses.

Although the number of cases cited may appear relatively small, they are drawn from a representative sample, so it can be inferred that at least around 8% of all employees may, similarly, have made a serious complaint over the past seven months which they reported to their direct superiors and most of which, it appears, will not have found their way into company/BSIC records. It should also be remembered that during the survey respondents were only asked about 'serious' complaints, so the total number of complaints may be under-estimated.

#### *Individual company use of grievance system*

During interviews with beer company representatives following the survey, CAS researchers examined the files in which three of the companies stored their completed grievance forms and database template form. The exception to this was Guinness, as the interview took place at the CAS office. It was observed that the three companies are using the system in slightly different ways. Both CBL and Heineken had only several, extreme incidents recorded, in which there was considerable violence and the police became involved, and which were very few in number. In contrast, many more cases were held in the recording system utilised by Cambrew. Cambrew staff reported that the number of complaints recorded had gone up, but had not met their expectations. The complaints recorded included a wide range of issues, including BP requests to move outlets, or complaining about the outlet owners assigning inappropriate tasks to BPs, so it was difficult to discern which cases were the most serious. The system utilized by Guinness is not known to us, but we were informed that few complaints have been received, and these have only related to minor disagreements with outlet owners concerning the tasks assigned to BPs.

One of the aims of the grievance procedure is to monitor complaints in order to identify outlets where extreme or systematic abuse or harassment may be taking place, which would enable the BSIC to take action (e.g. withdrawing sales from this particular outlet). CAS researchers were informed that this had happened on one occasion since the introduction of the new procedure. Given the fact that the new procedure is not yet functioning effectively, the limited nature of the BSIC's strategic response to date is unsurprising.

#### *Reasons for non-recording of grievances*

In a positive development, respondents who had not made any complaints were asked why not, in many cases this was because they felt that they did not have any serious problems; they often shrugged off any incidents as occurred as only "joking to each other". However, around 10% of those who did not complain described how they did not do so because they feared repercussions, such as the outlet owner 'blaming' them or trying to have them transferred or fired, vindictive behaviour from the customer or a decline in sales.

## Implications for BSIC

- All BPs are aware of their supervisor, in line with the BSIC Code of Conduct.
- Awareness of the BSIC grievance procedure has improved over time, which is a positive finding.
- The introduction of a new BSIC-wide grievance procedure is an encouraging development. However, it appears that BSIC members have not yet successfully implemented the new procedure in a standard fashion.
- There is still significant work to be done to ensure that all serious complaints are recorded and enter beer company/BSIC grievance records. Since BPs are clearly taking serious complaints to their direct superiors, the 'missing link' in the system appears be direct superiors' formal recording of all complaints.
- It may be advisable to have separate recording systems – one for requesting outlet transfers and another for reporting serious incidents such as sexual harassment, physical abuse and forced drinking.
- There may be under-reporting of grievances by BPs in Siem Reap.

## Uniform

*“BPs who sell BSIC member brands will receive (company) branded uniforms or a clear sash with the brand name so that BPs are clearly visible and identifiable as workers selling or promoting beer... Uniforms should be decent, taking into account the input from the BPs themselves” - BSIC Code of Conduct, Standard 3*

As was found in the baseline survey, the vast majority of respondents reported wearing a uniform in the workplace; a tiny minority wore a company sash. When those who wore a uniform were asked their opinion of this outfit, a noticeable increase in the acceptability of uniforms was observed if compared with the baseline survey, with over 94% of respondents from each company reporting that their uniform is dignified. The most striking increase compared with the baseline survey was amongst CBL employees; 97.7% of these women found their uniform dignified, compared with 63% in the baseline survey (data not show). This suggests that some changes were made in the uniform supplied to CBL beer promoters since the baseline survey, which indeed was the case.

**Table 19: Proportion of Respondents Wearing Uniform Or Sash in Workplace and Opinion of Uniform**

	Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%
Wear uniform	258	100.0	140	98.6	36	100.0	62	96.9
Wear sash	0	0.0	2	1.4	0	0.0	2	3.1
Total	258	100.0	142	100.0	36	100.0	64	100.0
View of uniform:								
Dignified	252	97.7	132	94.3	35	97.2	61	98.4
Indecent	5	1.9	6	4.3	1	2.8	1	1.6
No opinion	1	0.4	2	1.4	0	0	0	0
Total	258	100	140	100	36	100	62	100

## Transport

*“The employer of the BP will ensure transport from the venue to the home of the BP as soon as the BP has finished his/her work in a particular venue, the provinces included. This will minimise the risk of BPs being harassed after working hours on their way back home. The BP is offered and encouraged to make use of the company transport. – BSIC Code of Conduct, Standard 4*

The baseline study found that despite the evident availability of company transport, uptake of this service was distinctly variable. It was also found that direct superiors played a key role in successfully encouraging the use of company transport, and it was recommended that BSIC members work more closely with this group of employees to ensure that all direct superiors fulfil their role in encouraging BPS to take company transport home.

## Provision and Promotion of Company Transport

Similar to the baseline survey, virtually all respondents reported that their employer provided transport home from their workplace,<sup>10</sup> hence almost all respondents were well aware of this service.

A sharp increase was identified across all companies in the reported encouragement offered by direct superiors to beer promoters in relation to the use of company transport. In a positive development, the proportion of respondents who reported that their DS encouraged them to use company transport rose between the baseline and monitoring surveys as follows: Cambrew from 54.3% to 90.7%, CBL from 59% to 97.2%, Guinness from 60% to 100%, and Heineken from 62.5% to 95.3%. As with the baseline survey, a positive correlation was found between direct superiors' encouragement of the use of company transport, and utilisation (or not) of this transport. Contrary to what may be expected, however, the reported rise in direct superiors encouraging BPs to take company transport since the monitoring survey does not appear to have had a striking impact on the *frequency* of uptake of company vehicles, which remained variable. More frequent utilisation of company transport compared with 2008 figures was only identifiable amongst Heineken employees.

The majority of respondents in every company used the transport provided by their employer on a regular basis, but rates of utilisation were not consistent across the different companies (Table 20). Moreover, when a statistical test was applied, the differences between companies were found to be significant ( $P=0.000$ ). Further, respondents working in Siem Reap were less likely to take company transport – almost 43% of respondents working in Siem Reap reported that they never took company transport, compared with 27.5% of respondents based in Phnom Penh, for example (Table 21), and the difference between the two survey locations was also found to be significant ( $P=0.020$ ).<sup>11</sup>

There are a number of reasons why some BPs do not utilise company transport, and in certain cases these reasons will prevail regardless of how much the beer promoter in question is encouraged by her direct superior to use a company vehicle to return home after work. Of the 148 respondents who described never using company transport, the vast majority either worked close to their homes, had their own transport, or were collected from work by family members. In addition, a number of BPs working for CBL (most of whom were working in Phnom Penh) described how waiting for company transport took too long.

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<sup>10</sup>The exception being one BP working for Cambrew.

<sup>11</sup> Although the small sample size for Siem Reap, and the extreme differences in the size of the two samples by location mean that this finding may not be especially meaningful.

Table 20: Frequency of Utilisation of Company Transport By Company, 2008 and 2009

Frequency	Cambrew				CBL				Guinness				Heineken			
	2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Never	84	38	96	37.4	49	26.1	47	33.1	1	6.7	4	11.1	4	6.3	1	1.6
1-3 times a week	11	5	9	3.5	26	13.8	7	4.9	1	6.7	0	0.0	1	1.6	1	1.6
4-6 times a week	10	5	16	6.2	16	8.5	12	8.5	1	6.7	3	8.3	3	4.7	0	0.0
Every night	116	53	136	52.9	97	51.6	76	53.5	12	80.0	29	80.6	56	87.5	62	96.9
Total	221	100	257	100.0	188	100.0	142	100.0	15	100	36	100.0	64	100.0	64	100.0

Table 21: Frequency of Utilisation of Company Transport By Survey Location

Frequency	Research site				Total	
	Phnom Penh		Siem Reap			
	n	%	n	%	n	%
Never	118	27.5	30	42.9	148	29.7
1-3 times a week	13	3	4	5.7	17	3.4
4-6 times a week	26	6.1	5	7.1	31	6.2
Every night	272	63.4	31	44.3	303	60.7
Total	429	100	70	100	499	100

If a BP lives within very short walking distance of the outlet where she works, or her husband or other relative chooses to accompany her home, it is quite self-explanatory why she may not use a company vehicle. But given that BSIC members provide free company transport, one wonders why so many BPs decide to use their own vehicles, at their own expense, to travel home. Further probing of this issue would be necessary to find out whether BPs who utilise their own transport consider this a safer option than company transport, for example.

The monitoring survey data reveal that the safety of BPs who use company transport, which was highlighted in the baseline survey report, remains a concern. Although the BSIC Code of Conduct stipulates that beer promoters should be taken to their home, the baseline study highlighted a problem whereby in reality many BPs find themselves dropped off at a street corner or another point close to their home. In some cases, but not always, this may be a practical measure, as some BPs live down small alleys which are inaccessible to large vehicles.

This trend clearly puts BPs at risk as they have to walk home alone late at night. Although some (all?) BSIC members took measures to address this problem following the findings of the baseline survey, such as briefing drivers, facilitating BPs providing feedback on driver behaviour, and posting rules on drop offs in company vans, this problem prevails. Of the respondents who took company transport home, overall only around 58% reported that they were taken right home. This is, in fact, a slight decrease compared to the baseline survey figure of just under 64%. Heineken was the only company where an increase in numbers who were taken directly home was observed. Moreover, when those BPs who stated that company transport only took them to “a point near my home” (42.2%; 148/351) were questioned further, it transpired that in the majority of cases company vehicles were not dropping BPs off as close as the vehicle could get to their home. Instead BPs were being deposited at a point somewhere near their home, evidently for the driver’s own convenience. This problem was more apparent at certain companies more than others (Table 22). It should be noted that whether a vehicle took them home or point near to their home did not affect respondents’ utilization of company transport. This may reflect the limited safe options which many BPs have in travelling home late at night, and hence their vulnerability to unscrupulous drivers.

**Table 22: Exact Details of Drop-off Point for Respondents Who Are Dropped Off at a Point Near Their Home**

<b>Drop off Point</b>	<b>Cambrew</b>	<b>CBL</b>	<b>Guinness</b>	<b>Heineken</b>	<b>Total</b>
	<b>% (n)</b>	<b>%(n)</b>	<b>%(n)</b>	<b>%(n)</b>	<b>%(n)</b>
As close to home as the vehicle can get	23.6 (21)	7.1 (2)	0 (0)	0 (0)	15.5 (23)
Somewhere near my home	76.4 (68)	92.9 (26)	100 (9)	100 (22)	84.5 (125)
Total	100 (89)	100 (28)	100 (9)	100(22)	100 (148)

## Implications for BSIC

- There has been a successful increase in direct superiors encouraging BPs to take company transport home
- Further initiatives are required to ensure that company drivers ensure BP safety by depositing them as close to home as is physically possible.
- An investigation of why some BPs choose to use their own transport to return home may be useful, to assess whether safety issues related to company transport are a deciding factor.
- There may be lessons to be learnt from Heineken's success in increasing BPs' utilization of company transport.

## Training and Information

*"All members of the BSIC will offer a standard and comprehensive training package as part of the orientation training of BPs. This training shall include: how to deal with difficult customers, alcohol and drug use, workplace harassment, relationships between men and women, gender roles and responsibilities, healthcare options, sexual and reproductive health, contraceptive methods, and HIV/AIDS and STI education and prevention..."* – BSIC Code of Conduct, Standard 5

*"...A refresher training shall be organised at least once a year."* – BSIC Code of Conduct, Standard 5

### (a) Orientation Training

To gain an indication of what proportion of BP employees had been given comprehensive training as part of their orientation, all survey respondents who had been working at their present company for more than six months were asked about the training they had received in various areas. Only respondents who had been employed for more than six months were included, as researchers were informed that new recruits were generally not given training until after at least four months, when they had successfully completed a probationary work period. Reported training levels were high. Of all respondents who had been working at their employing company for more than six months, all but one described having received training in Selling Beer Safely at least once. (This general finding is not readily comparable with data from the baseline survey, as in the earlier survey respondents were asked in detail about each area of training which they received).

### (b) Refresher Training

BPs who had worked with the same company for more than thirteen months were asked how often they had received training. While results were variable, a high proportion – over 70% - of employees of CBL, Cambrew and Heineken reported having received training once or more per year, which indicates that refresher training is attaining significant coverage (Table 23). No respondents from Guinness had been working for the company for more than thirteen months.

**Table 23: Number of Times Respondents Working at Company For More Than 13 Months Have Received Training**

	Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%
Once since employment	40	25.8	23	27.4	0	0	10	21.7
Once or more per year	111	71.6	61	72.6	0	0	35	76.1
Never/Don't know	4	2.5	0	0	0	0	1	2.2
Total	155	99.9	84	100	0	0	46	100

Further analysis of a sub-sample of those respondents who had been working for their employer for more than 15 months would be necessary for this data to be absolutely comparable with that generated by the baseline study. Overall, slightly higher coverage was reported in the baseline for this different sub-sample, but strictly speaking all beer promoters are supposed to undergo refresher training after one year, so 13 months is a reasonable period to use to generate the sub-sample.

### (c) Training in dealing with sexual harassment and refusing alcohol

The baseline survey revealed relatively impressive levels of training in a number of areas, such as STI and HIV prevention, and contraception. But the proportion of BPs who reported having been trained in dealing with sexual harassment in the workplace was relatively low, and training on how to refuse alcohol proffered by clients was also low amongst employees of some companies. As a result, the BSIC made efforts to include more targeted training in these areas as part of the Selling Beer Safely training programme. As can be seen from Table 24, this more concerted training effort had a visible impact in terms of how many respondents who considered themselves to have been trained in these areas. Overall, the number of respondents who reported having received training in sexual harassment rose from just under 70% to over 97%, while those who reported having received training in refusing alcohol from customers rose from around 75% to over 99%. While the figures increased across all companies, in the case of Guinness the rise was particularly pronounced.

Table 24: Proportion of Respondents Who Reported Having Received Training in Particular Areas, 2008 and 2009

Training area	Cambrew		CBL		Guinness		Heineken		Total	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
<b>Sexual harassment</b>	%	%	%	%	%	%	%	%	%	%
Yes	70.6	96.2	69.3	100	55.6	91.3	64.9	98.4	68.9	97.4
No	27.2	2.1	28.8	0.0	44.4	8.7	33.3	1.6	29.1	1.7
Don't know	2.2	1.7	2.0	0.0	0.0	0.0	1.8	0.0	2.0	0.9
Total	100	100	100	100	100	100	100	100	100	100
<b>Refusing alcohol</b>										
Yes	78.9	98.7	75.2	100	44.4	100	70.2	100	75.4	99.3
No	21.1	1.3	23.5	0.0	55.6	0.0	29.8	0.0	24.1	0.7
Total	0.0	100	1.3	100	100	100.0	100	100	100	100

### (d) Impact of training

Over 90% of the total respondents who had received training considered that the training they had received had changed their behaviour. This figure ranged by company from just over 80% to almost 96%. Examples of their changed behaviour largely related to the ways in which they negotiate with clients who pressurise them to sit and to drink alcohol, or who attempt to sexually harass them. This is a positive reflection on the training which has been given.

### Implications for the BSIC

- The BSIC appears to have successfully implemented effective training in dealing with sexual harassment and resisting client pressure to sit and drink alcohol. However, some of these findings should be treated with caution, given other findings related to BPs sitting and drinking with clients (presented later in this document).

## Harassment

*“The BSIC declares a zero-tolerance approach with respect to abuse and sexual harassment of BPs. All BSIC members will develop and implement an anti-sexual harassment policy for company staff as part of personnel contracts and code of conduct. The policies will be clearly communicated to employees and sufficient training will be provided to emphasise that sexual harassment will not be tolerated. Sanctions will be taken if rules are broken...” – BSIC Code of Conduct, Standard 6*

As with the baseline survey, respondents were first asked whether they understood what sexual harassment was, and to give examples of this behaviour in order to confirm the accuracy of their knowledge. Overall, almost 98% of respondents had a clear understanding of sexual harassment (a slight increase from the baseline survey figure of 95.6%); only a small minority confused sexual harassment with other forms of more general harassment. Respondents were able to provide numerous examples of the kinds of sexual harassment which they experience during the course of their work, including the touching of different parts of their bodies, the use of sexually explicit and suggestive language, indecent gestures, and threats of rape.

One of the findings of the baseline survey which was most worrying to BSIC members was the level of sexual harassment to which their beer promoter employees are subjected in the workplace. Substantial number of respondents reported experiencing sexual harassment on a regular basis.<sup>12</sup> This finding prompted more concerted promotion of the BSIC Code of Conduct through, as noted earlier, the introduction of the BSIC logo on BP's uniforms, the development of a BSIC-wide grievance procedure in order to monitor complaints related to sexual harassment and hence devise appropriate responses, and new training initiatives of BPs, supervisors and sales staff on sexual harassment and how to tackle it. These initiatives, in particular the introduction of the BSIC logo on staff uniforms, have apparently had an important, positive effect as the monitoring survey revealed a noticeable decline in the total number of overall respondents who reported suffering regular sexual harassment; an almost 20% drop from 39% to just under 20% (Table 25).

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<sup>12</sup> 'Regular' is defined for the purposes of the two studies as every night, several nights a week or several times a month.

Figure 3: Frequency of Sexual Harassment at Workplace, 2008 and 2009

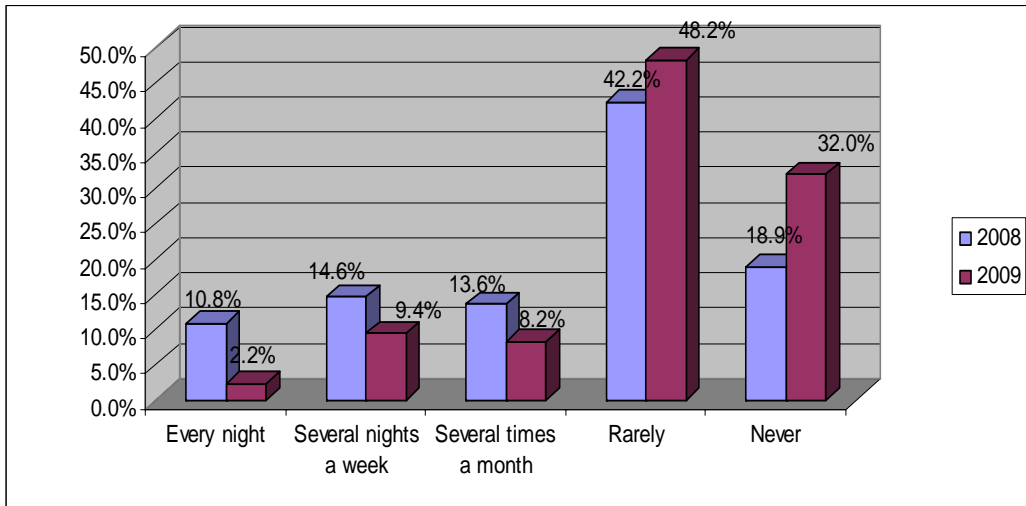


Table 25: Proportion of Total Respondents Who Reported Experiencing Sexual Harassment on a Regular Basis, 2008 and 2009 Surveys

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	N	%	n	%	N	%	n	%	n	%	n	%	N	%	n	%
Regularly*	86	38.2	55	21.3	74	39.1	34	24.0	7	46.7	7	19.5	25	39.1	3	4.7	192	39.0	99	19.8
Rarely	98	43.6	122	47.3	78	41.3	75	52.8	5	33.3	17	47.2	27	42.2	27	42.2	208	42.2	241	48.2
Never	41	18.2	81	31.4	37	20	33	23.2	3	20	12	33.3	12	18.8	34	53.1	93	18.9	160	32.0
Total	225	100	258	100	189	100	142	100	15	100	36	100	64	100.1	64	100	493	100	500	100

Table 26: Respondents' Responses When They Experience Sexual Harassment in the Workplace, 2008 and 2009

	Cambrew				CBL				Guinness				Heineken			
	2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	n	%	n	%	n	%	n	%	N	%	n	%
Nothing	97	43.1	13	5.0	57	30.2	10	7.0	7	46.7	1	2.8	30	46.9	6	9.4
Challenge/negotiate with perpetrator	157	69.8	184	71.3	145	76.7	97	68.3	13	86.7	23	63.9	50	78.1	41	64.1
Report to direct superior	86	38.2	142	55.0	74	39.2	57	40.1	7	46.7	32	50.0	18	28.1	17	47.2
Report to outlet owner	73	32.4	73	28.3	53	28.0	26	18.3	6	40.0	7	19.4	17	26.2	15	23.4
Report to other company rep	2	0.9	9	3.5	4	2.1	0	0.0	0	0.0	1	2.8	1	1.6	0	0.0
Total*	225	184.4	421	163.9	189	176.2	190	135	15	220.1	33	138.9	64	181.3	79	145.7

Total = >100% because of multiple responses

Correspondingly, the number of respondents who reported experiencing sexual harassment 'rarely' or 'never' increased. This can be linked to respondents' observations, noted earlier in this report, that one of the ways in which the introduction of the BSIC logo has made them feel more respected is that customers no longer touch their bodies like they used to do (an observation made by just over 78% of the respondents who felt that the logo had had an impact). The overall change in the reported incidence of sexual harassment between 2008 and 2009 is clearly depicted in Figure 3.

As can be seen from Table 25, the pattern of decline was identified across all companies, although the difference between companies was found to be significant ( $P=0.006$ ). It can be seen that changes in reported frequency of sexual harassment by Heineken employees are more dramatic than amongst other companies, for example.<sup>13</sup> The different levels of sexual harassment reported by respondents at the two study sites were not found to be significant.

When asked what they do when they experience sexual harassment in the workplace, survey participants described various responses (Table 26). Importantly, the monitoring survey found that the proportion of BPs who described doing nothing when faced with sexual harassment fell substantially from the baseline survey, from 38.7% to 6% overall, a dramatic decline (data not shown). Clearly the response in any given situation depends on the particular circumstances, but it was evident that in some situations BPs may do several things, such as both challenge the perpetrator and report the abuse, which is reflected in the high number of multiple responses.<sup>14</sup> As was found in the baseline survey, the majority of respondents reported that they challenge or negotiate the situation with the perpetrator of sexual harassment on an individual level. However, the frequency according to which BPs reported challenging perpetrators declined overall and across most companies in comparison with the baseline survey, and only increased marginally in the case of Cambrew. At the same time, and possibly linked to this general decline, 49.6% of all respondents described reporting cases of sexual harassment to their direct superior, an increase of just over 12% (from 37.5% in the baseline survey; data not shown). This suggests that, in line with one of the recommendations from the baseline study, BPs are becoming more likely to report cases of sexual harassment rather than tackle them alone. This very positive development which is likely to be an outcome of the promotion of the BSIC Code of Conduct and grievance procedure amongst BPs working for the various beer companies over the past year.

## Implications for BSIC

- Very positive outcomes have been achieved from training initiatives and the renewed promotion of the grievance procedure in relation to sexual harassment. All current strategies to tackle sexual harassment should be sustained.
- There may be some lessons to be learnt from the experiences and activities of Cambrew and Heineken to address sexual harassment as Cambrew employees were more likely to have reported sexual harassment while Heineken employees experienced sexual harassment less frequently.

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<sup>13</sup> Although the number of respondents from this company are relatively small compared with Cambrew and CBL, so it may be dangerous to extrapolate too much from these comparative findings.

<sup>14</sup> A minority of respondents also described reporting or relating incidents of sexual harassment to other parties such as security workers at the outlet, NGOs, the police, co-workers, friends or relatives. As these cases were rare, they are not presented in the data table.

## Alcohol

*"The industry body acknowledges the risk that many BPs may be pressured to drink beer in order to support their sales or to please the customer. It is the policy of the BSIC that during working hours, BPs should not sit or drink with consumers. Members of the BSIC will inform BPs on this rule and train BPs on how to refuse a beer offered without insulting the consumer and on what steps to take if one is forced to drink."*

– BSIC Code of Conduct, Standard 7

Overall, almost 90% of respondents in the monitoring survey were aware that they are not authorised to sit and drink alcohol with customers during working hours. As presented in Table 27, this awareness has increased amongst employees of every company since the baseline survey, most markedly amongst the BPs working for Guinness.

**Table 27: Respondents' Views on Whether Their Employer Allows Them to Sit and Drink Alcohol with Customers While They Are Working, 2008 and 2009**

	Cambrew		CBL		Guinness		Heineken	
	2008	2009	2008	2009	2008	2009	2008	2009
	%	%	%	%	%	%	%	%
Yes	12.9	7.0	14.8	12	33.3	16.7	10.9	12.5
No	84.4	92.2	83.6	88.0	53.3	80.6	89.1	87.5
Don't know	2.7	0.8	1.6	0.0	13.3	2.8	0.0	0.0
Total	100	100	100	100	99.9	100.1	100	100

But, as was found in the baseline survey, despite this awareness a substantial number of BPs still reported sitting with clients and drinking alcohol when working. The proportion of respondents who reported 'often' sitting with customers and drinking during working hours had noticeably declined across all companies, and, correspondingly, occasional sitting and drinking ('sometimes') had increased at some companies, which should be considered positive developments. Yet it can be seen that except in the case of Heineken, the majority of respondents working for all companies still sit and drink with customers, and the proportion of BPs who reported never sitting and drinking had actually *declined* at two companies (Table 31). It therefore appears that overall there have not been significant changes in this area over the past year, despite the concerted promotion of the BSIC Code of Conduct which stipulates that BPs are not allowed to sit and drink with customers during working hours. The success of Heineken in this area requires closer examination.

This general finding is likely to be linked to the considerable pressure which customers place on BPs. Overall, almost 90% of respondents in the monitoring survey reported that they are pressurised to drink at the outlet/s where they were working at the time of the survey. When asked who placed this pressure on them, in every case customers were cited (100%), and in fewer cases outlet owners (8%, 8.7%, 10.3% and 3.9% at Cambrew, CBL, Guinness and Heineken respectively).<sup>15</sup> Moreover, of the total respondents who

<sup>15</sup> Respondents were allowed to give multiple answers to this question.

reported experiencing pressure from customers to sit and drink, more than 85% described how they also experience customers attempting to *force* them to drink, which is clearly a form of workplace harassment.

Table 28: Frequency of Sitting With Customers and Drinking Alcohol When Working, 2008 and 2009

Frequency	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Never	64	28.4	61	23.6	45	23.8	18	12.7	2	13.3	10	27.8	35	54.7	44	68.8	146	29.6	133	26.6
Sometimes	113	50.2	176	68.2	118	62.4	116	81.7	8	53.3	22	61.1	23	35.9	20	31.3	262	53.1	334	66.8
Often	27	12.0	17	6.6	16	8.5	4	2.8	3	20.0	3	8.3	4	6.3	0	0.0	50	10.1	24	4.8
Always	21	9.3	4	1.6	10	5.3	4	2.8	2	13.3	1	2.8	2	3.1	0	0.0	35	7.1	9	1.8
Total	225	99.9	258	100	189	100	142	100	15	99.9	36	100	64	100	64	100	493	100	500	100

Table 29: Frequency of Customers Attempting to Force BPs to Drink, 2008 and 2009

	Cambrew				CBL				Guinness				Heineken				Total			
	2008		2009		2008		2009		2008		2009		2008		2009		2008		2009	
	n	%	n	%	n	%	N	%	n	%	n	%	n	%	n	%	n	%	n	%
Never	56	24.9	42	18.7	38	20.1	8	6.3	7	46.7	6	20.7	13	20.3	7	13.7	114	23.1	63	14.6
Sometimes	116	51.6	134	59.6	99	52.4	87	68.5	6	40.0	19	65.5	36	56.3	40	78.4	257	52.1	280	64.8
Often	42	18.7	41	18.2	40	21.2	26	20.5	2	13.3	3	10.3	10	15.6	4	7.8	94	19.1	74	17.1
Always	11	4.9	8	3.6	12	6.3	6	4.7	0	0.0	1	3.4	5	7.8	0	0.0	28	5.7	15	3.5
Total	225	100	225	100	189	100	127	100	15	100	29	100	64	100	51	100	493	100	432	100

Respondents were probed as to the frequency at which this occurs, and again, findings were somewhat mixed (Table 29).

The proportion of BPs who reported that customers never try and force them to drink alcohol decreased across all companies, which indicates that it is still a common phenomenon and the majority of respondents are experiencing extreme pressure to drink at some point during their work time. The proportion who reported only experiencing this pressure on occasion ('sometimes') increased across all companies; those who reported experiencing it 'often' declined, but only marginally in some cases, as did those who reported experiencing it 'always', but again not by a huge margin.

It can be seen that the findings concerning how often respondents sit and drink with customers and how often they reported customers trying to force them to drink follow a similar pattern, which strongly suggests that in sitting and drinking during their working hours many BPs are responding to – and finding it hard to resist - strong and possibly aggressive pressure from clients. This finding should be considered in the light of data which was described earlier, regarding the positive impact of the introduction of the BSIC logo at the workplace. While overall respondents reported positively on how the introduction of the logo had made them feel more respected in the workplace, only around 19% described how one outcome of the logo was that customers no longer forced them to sit at tables and drink alcohol (88/455; 19.3%).<sup>16</sup>

An important related finding is what respondents reported they do when customers attempt to force them to drink alcohol. Overall, the majority (73%) reported that they would challenge the customer in question or discuss things with him, while a substantial number (26%) described how they would do nothing/ignore the situation. Very few described how they would make a complaint, and this figure has dropped dramatically since the baseline survey (Table 30). Hence although, as reported earlier, BPs may be better trained in how to refuse alcohol proffered by clients, they may be more likely to try and deal with these situations themselves and not take complaints to their direct superiors. This situation may also mean that they are more likely to succumb to customer pressure.

**Table 30: Proportion of Respondents Who Report Cases of Customers Trying to Force Them to Drink**

	<b>Cambrew</b>		<b>CBL</b>		<b>Guinness</b>		<b>Heineken</b>	
	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
Report	41.4	0.4	50.3	0.8	50	3.4	31.4	0.0
Do not report	58.6	99.6	49.7	99.2	50	96.6	68.6	100.0
Total	100	100	100	100	100	100	100	100

Given that some BPs clearly sit and drink with customers while on duty, and that consumption of alcohol by beer promoters has been an issue for which beer companies have received some criticism, alcohol consumption in the workplace was explored in the monitoring survey. Overall, 21% of respondents (105 women) reported drinking while at work: 19.2% on an occasional basis, and 1.8% often or always.<sup>17</sup>

<sup>16</sup> This is in contrast with the 83.5% of respondents who felt the introduction of the BSIC logo meant that customers no longer insult or "scold" them as much or the 78.2% who felt that customers no longer sexually harass them by touching.

<sup>17</sup> The breakdown was as follows: occasional drinking ('sometimes')- 20.2%, 21.8%, 19.4% and 9.4% for respondents from Cambrew, CBL, Guinness and Heineken respectively; drinking often or always – 2%, 1.4%, 0% and 3.1% for respondents from Cambrew, CBL, Guinness and Heineken respectively.

Researchers used a standard 250ml glass sample to enable those who reported to drink while at work to estimate the quantity they drank the last time they worked (Table 31). Findings reveal that the majority of these respondents drank at least two glasses of beer when they were last on duty. Given that these data only record what occurred on one instance, namely the last time these particular respondents were working, it is impossible to deduce whether this level of alcohol consumption occurs on a regular basis.

Number of glasses	Cambrew		CBL		Guinness		Heineken	
	n	%	n	%	n	%	n	%
0	2	3.5	0	0.0	0	0.0	0	0.0
1	7	12.3	7	21.2	3	42.9	2	25
Between 2 -3	22	38.6	15	45.5	1	14	4	50
>3	26	45.6	11	33.3	3	43	2	25.00
Total	57	100	33	100	7	99.9	8	100

**Table 31: Number of Glasses of Beer Drunk Last Time Respondents Who Reported Drinking in Workplace Were On Duty**

A further question was more revealing, however. All respondents who reported drinking while at work were asked if they ever feel drunk when on duty. Overall, 15.2% reported never feeling drunk at the workplace, 81% reported feeling drunk sometimes and 3.8% described often feeling drunk (Table 32). Hence a total of 84.8% of those who drink in the workplace feel drunk at some point. This can be contextualised across the whole sample: 17.8% (89/500) of all respondents feel drunk at some point while at work. If the data are disaggregated by company they stand at 19%, 19.7%, 16.7% and 9.4% for Cambrew, CBL, Guinness and Heineken respectively. Given the health and safety implications of alcohol consumption by BPs when they are at work, this is an area worthy of further exploration by the BSIC. BPs' own views on the serious hazards and health implications of drinking on duty are underlined by the response of certain interviewees when asked whether they felt that working as a beer promoter puts them at greater risk of contracting HIV.<sup>18</sup> While overall a slight majority of respondents (44.8%) considered themselves at greater risk of HIV than working in other forms of employment (40.6% did not consider themselves at greater risk and 14.6% did not know), of these 71.9% described how they hold this view because when they are at work their customers ask them to drink beer which means that they can get drunk and lose their "memory". Then, these same respondents described, customers try and exploit this situation by taking drunk beer promoters outside of the workplace and having sex with them without using condoms.

**Table 32: Proportion of Respondents Who Ever Feel Drunk While Working**

Frequency	Cambrew	CBL	Guinness	Heineken	Total
	% (n)	% (n)	% (n)	% (n)	% (n)
Never	14 (8)	15.2 (5)	14.3 (1)	25 (2)	15.2(16)
Sometimes	78.9 (45)	84.8 (28)	85.7 (6)	75 (6)	81(85)
Often	7 (4)	0 (00)	0 (0)	0 (0)	3.8 (4)
Total	99.9 (57)	100 (33)	100 (7)	100 (8)	100 (105)

<sup>18</sup> This question was not asked in the baseline survey.

It should be noted that some important differences emerged when respondents across the two study locations, Siem Reap and Phnom Penh, were compared. Beer promoters working in Siem Reap were less likely to be aware of company policy about not sitting and drinking with customers for example (only 80% of BPs in Siem Reap were aware of the policy, compared with over 91% of those working in the Cambodian capital). Yet, despite this, beer promoters working in Siem Reap were less likely to sit and drink with customers: almost 43% said they never sat and drank with clients; nearly twice the proportion in Phnom Penh (24%), and a significant difference ( $P=0.011$ ). This finding is striking, and also suggests a link between commission payments and the tendency for beer promoters to sit and drink with clients, as BPs employed in Siem Reap by Cambrew (the BSIC member with the largest number of BP employees and therefore the member which provided by far the largest contribution to the survey sample) are not paid commission. Of those who *did* drink across both locations, the proportion who felt drunk regularly was similar.

### Implications for BSIC

- The continuing trend of BPs sitting and drinking alcohol with customers, linked to the evident extreme pressure some BPs receive from customers to drink, exposes this as an area worthy of the BSIC's attention.
- The revised training for BPs on dealing with clients who pressurise them to drink may mean that there are receiving mixed messages about how this problem should be dealt with. This seems to be the most likely explanation for the extreme drop in the number of respondents who report cases of attempted forced drinking by clients to their direct superiors. Forced drinking may need to be re-introduced to BPs as a serious grievance which must be reported.
- There are particular health and safety implications of regular alcohol abuse amongst beer promoters. The finding that almost 18% of all BPs surveyed reported feeling drunk while on duty on some occasions is worrying and should be addressed as an urgent priority.
- There appears to be a strong positive relationship between commission for sales and beer promoters sitting and drinking with clients, which has particular implications for how the BSIC tackles on-the-job drinking. This issue requires careful examination by the BSIC.

## Conclusions

The monitoring survey has provided comprehensive data which, coupled with the baseline study that was conducted over a year ago, can be used to assess progress in the implementation of the BSIC Code of Conduct up to late December 2008.

### General Comments

The concerted promotion of the BSIC Code of Conduct through staff training and in the workplace over past months, particularly through the introduction of the BSIC logo on beer promoters' uniforms, appears to have brought tangible benefits to BPs, most noticeably in the areas of sexual harassment and verbal abuse. Moreover, BPs are now more likely to report cases of sexual harassment to their direct superiors. These are all very positive developments. In a further, positive finding, the monitoring survey revealed that BPs' satisfaction with their working conditions has risen substantially overall.

### Areas of General Code of Conduct Compliance

The monitoring survey findings reveal that, at present, the areas in which the Code of Conduct continues to work well and all members are complying include:

- (i) the rejection of commission-only work (although further review of this may be necessary by Cambrew as a number of respondents in the monitoring survey considered themselves to be working on a commission-only basis)
- (ii) supplying BPs with 'decent' uniforms, which they find acceptable
- (iii) making company transport available to take BPs home after work,
- (iv) the provision of comprehensive training packages, and
- (v) the existence of a standard, BSIC-wide grievance procedure

### Areas of Improvement in Code of Conduct Compliance

There are other areas in which distinct progress has been made in ensuring compliance. These are:

- BPs' awareness of their contractual status
- Direct superiors encouraging BPs to use company transport
- the provision of an improved training package, which includes ways of dealing with sexual harassment and customers who attempt to force BPs to drink alcohol

### Areas of Inconsistent Code of Conduct Compliance

There are some areas in which not every company is fully complying to the Code of Conduct, so some inconsistencies remain. These are:

- BPs' ownership of their own copy of their contract
- BPs' entitlement to 4 rest days per month
- BPs' awareness of their entitlement to paid annual leave (which in some cases is likely to be linked to the transparency of information provided in contracts).

Some improvements still need to be made in several areas, as follows:

### BSIC-wide Grievance Procedure

The introduction of a new BSIC-wide grievance procedure is an encouraging development. However, it appears that BSIC members have not yet successfully implemented the new procedure in a standard fashion and for some reason direct superiors are rarely recording complaints, so the procedure is not yet functioning effectively and so cannot meet its stated objectives and provide monitoring information to guide

strategic responses. This is disappointing, particularly given that BPs' awareness of the BSIC grievance procedure has improved over time and an increase has been observed in BPs' reported registering of complaints about sexual harassment; positive outcomes which can be attributed to the promotion of the BSIC Code of Conduct and grievance procedure amongst BPs working for the various beer companies over the past year. As BPs appear to be both more aware of and willing to contribute to the BSIC grievance procedure it is important not to miss this opportunity to provide them – and the BSIC - with a functioning and meaningful process for reporting and responding to grievances.

As BSIC members have been using the current grievance recording system inconsistently, it may be advisable to have separate recording procedures – one for requests for outlet transfers and recording disputes with outlet owners about tasks assigned in the workplace etc., another for reporting serious incidents such as sexual harassment, physical abuse and forced drinking, or problems with driver behaviour, or at least a regular analysis of complaints which distinguishes the various types of grievance, so that different trends can be carefully monitored.

### **Transport**

While direct superiors have improved in their role of encouraging BPs take company transport home, a problem still remain with some drivers' behaviour. The safety of many BPs is still being jeopardised by unscrupulous drivers who choose not to drop BPs off as close to their homes as possible. Continued interventions in this area and careful monitoring of driver behaviour will be necessary to improve this situation. It is not clear why BPs who elect to use their own transport to go home choose this option; it may be that safety concerns about company transport are a serious concern amongst such individuals.

### **Beer Promoters and Alcohol**

The monitoring survey revealed a worrying lack of improvement in the proportion of BPs sitting with customers and drinking during work hours, and the frequency of attempts by customers to force BPs to drink. In fact, overall findings here are the reverse of findings on sexual harassment: the prevalence of the problem of customer pressure appears to have increased, while reporting of the problem by BPs has decreased. Moreover, new findings on alcohol consumption by BPs in the workplace reveal that 17.8% of respondents feeling drunk at some point when working, which has serious health and safety implications. All of these are important areas requiring the BSIC's attention as a matter of urgency. Given survey findings that beer promoters who work in Siem Reap, who receive no commission payment, and that employees of Heineken, who now receive an increase in fixed salary and lower commission payments, are less likely to sit and drink with customers, it is likely that a strategic revision of salaries and commission income will significantly reduce this problem.

## Recommendations

- Guinness is currently in breach of the Cambodian Labour Law and the BSIC Code of Conduct with regards to its rest day policy. This should be resolved as a matter of urgency.
- Improved methods should be found to clearly communicate to BPs their paid annual leave entitlement.
- The provision of consistent information in all BP contracts issued by BSIC members should be explored.
- The BSIC should review again the aims and objectives of the grievance procedure, and agree on a standard recording system. Reasons as to why the procedure has largely failed to date should be examined. A review of why direct superiors are not recording complaints in line with the new BSIC grievance procedure may be helpful, and as to why few BPs in Siem Reap or at other locations outside Phnom Penh are filing complaints would be helpful, for example. A small, sub-BSIC committee should be established and tasked with the renewed implementation and monitoring of the grievance procedure. This will include the quarterly collation and analysis of grievance data, which will be circulated amongst all BSIC members.
- Significant additional work needs to be carried out with direct superiors and their managers to ensure that all serious complaints are recorded and enter beer company/BSIC grievance records. Particular efforts should be made to ensure that the procedure is introduced effectively both in Phnom Penh and at provincial level
- More should be done to ensure that all company drivers take the safety of BPs seriously and are willing to deposit BPs as close to their homes as possible.
- Immediate and concerted action should be taken to tackle the problem of BPs' drinking and drunkenness while on duty. This should include a review of the proportion of income from fixed salary and commission. Given the urgency of the situation, a short, focused survey to monitor progress in this area should be undertaken in six months' time.
- New training and awareness-raising activities should focus on attempted forced drinking by customers as a serious grievance which must be reported by all beer promoters.
- Continued promotion of the BSIC Code of Conduct is essential and new measures should be taken to reach as wide an audience as possible. A participatory assessment of outlet owners' knowledge of and views on the Code of Conduct should be conducted with the aim of nurturing new partnerships and garnering outlet owners' support.
- The relative benefits to BPs of working for BSIC members - as acknowledged in the baseline and monitoring surveys by respondents who have had experience of employment both by members and non-members - should also be promoted. Personal testimonies from individuals who have worked for both BSIC and non-BSIC members may be an effective way of communicating the important benefits offered by the Code of Conduct, for example.

- In areas of the Code of Conduct in which some BSIC members are 'performing' better than others, it would be helpful for those who have achieved greater progress to share their specific experiences, methods and initiatives with other members. This mutual support could lead to agreed practical steps to ensure optimum, member-wide compliance to the Code of Conduct and to work towards a definition of BSIC 'good practice'. Examples include Heineken's success in ensuring beer promoters avail themselves of company transport, lower reported levels of sexual harassment in workplace, and fewer employees sitting and drinking with customers, and Cambrew's relative success in beer promoter employees reporting cases of sexual harassment and other grievances.
- While progress has been made in certain specific areas, continued activities will be necessary to ensure that any positive developments are built upon and sustained. A further comprehensive monitoring study should be conducted in two years time to assess further progress.

## **ANNEX 1**

### **List of Persons Met**

#### *CBL*

Mr Ti Sophana, Human Resource Manager, CBL

#### *Cambrew Ltd*

Ms Bun Charrotha, Promotion Assistant Coordinator

Ms. Buoy Chansothea, Office Manager

#### *Heineken*

Mr Lim Sok, Sales and Marketing Manager, Attwood Import Export Co. Ltd

Ms Kuch Sothyda, Promotion Women Manager, Attwood Import Export Co. Ltd

#### *Guinness*

Mr Bou Sophat, RSE Cambodia