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CHAPTER I
GENERAL PROVISIONS

SECTION I
SCOPE OF APPLICATION

Different Categories of Workers in the Kingdom of Cambodia

Article 1

This law governs relations between employers and workers resulting from employment contracts to be performed within the territory of the Kingdom of Cambodia, regardless of where the contract was made and what the nationality and residences of the contracted parties are.

This law applies to every enterprise or establishment of industry, mining, commerce, crafts, agriculture, services, land or water transportation, whether public, semi-public or private, non-religious or religious; whether they are of professional education or charitable characteristic as well as the liberal profession, associations or groups of any nature whatsoever.

This law shall also apply to every personnel who is not governed by the Common Statutes for Civil Servants or by the Diplomatic Statutes as well as officials in the public service who are temporarily appointed.

This law shall not apply to:

- a) Judges of the Judiciary.
- b) Persons appointed to a permanent post in the public service.
- C) personnel of the Police, the Army, the Military Police, who are governed by special legislation. These workers are entitled to apply the provisions on freedom of union under this law.
- D) personnel serving in the air and sea forces.
- E) domestics or household servants, unless otherwise expressly specified under this law. These domestics or household servants are entitled to apply the provisions on freedom of union under this law.

Article 2

All natural persons or legal entities, public or private, are considered to be employers who constitute an enterprise, within the meaning of this law, provided that they employ one or more workers, even discontinuously.

Every enterprise may consist of several establishments, each employing a group of people working together in a defined place such as in factory, workshop, work site, etc., under the supervision and direction of the employer.

A given establishment shall be always under the auspices of an enterprise. The establishment may employ just one person. If this establishment is unique and independent, it is both considered as an enterprise and an establishment.

Article 3

“Workers”, within the meaning of this law, are every person of all sex and nationality, who has signed an employment contract in return for remuneration, under the direction and management of another person, whether that person is a natural person or legal entity, public or private. To clearly determine the characteristics of a worker, one shall not take into account of neither the jurisdictional status of the employer nor that of the worker, as well as the amount of remuneration.

Article 4

“Domestics or household servants” are those workers who are engaged to take care of the home owner or of the owner’s property in return for remuneration.

Article 5

“Employees or helpers” are those who are contracted to assist any person in return for remuneration, but who do not perform manual labour fully or who do so incidentally.

Article 6

“Labourers” are those workers who are not household servants or employees, namely those who perform mostly manual labour in return for remuneration, under the direction of the employer or his representative.

The status of labourer is independent of the method of remuneration; it is determined exclusively by the nature of the work.

Article 7

“Artisans” are persons, who practice a manual trade personally on their own account, working at home or outside, whether or not they use the motive force of automatic machines, whether or not they have a shop with a signboard, who primarily sell the products of their own work, carried out either alone or with the help of their spouse or family members who work without pay, or with the help of workers or apprentices, but the entire workshop is solely under the direction of their own.

The number of non-family workers, who regularly work for an artisan, cannot exceed seven; if this number is exceeded, the employer loses the status of artisan.

Article 8

“Apprentices” are those who have entered into an apprenticeship contract with an employer or artisan who has contracted to teach or use someone to teach the apprentice his occupation; and in return, the apprentice has to work for the employer according to the conditions and terms of the contract.

Article 9

In accordance with the stability of employment, it is distinguished:

- regular workers
- casual workers, who are engaged to perform an unstable job.

Regular workers are those who regularly perform a job on a permanent basis.

Casual workers are those who are contracted to:

- perform a specific work that shall normally be completed within a short period of time.
- perform a work temporarily, intermittently and seasonally.

Article 10

Casual workers are subject to the same rules and obligations and enjoy the same rights as regular workers, except for the clauses stipulated separately.

Article 11

In accordance with the method of remuneration, workers are classified as follows:

- Workers remunerated on a time basis (monthly, daily, hourly), who are paid daily or at intervals not longer than fifteen days or one month.
- Workers remunerated by the amount produced or piecework.
- Workers remunerated on commission.

SECTION II
NON-DISCRIMINATION

Article 12

Except for the provisions fully expressing under this law, or in any other legislative text or regulation protecting women and children, as well as provisions relating to the entry and stay of foreigners, no employer shall consider on account of:

- race,
- colour,
- sex,
- creed,
- religion,
- political opinion,
- birth,
- social origin,
- membership of workers' union or the exercise of union activities.

to be the invocation in order to make a decision on:

- hiring,
- defining and assigning of work,
- vocational training,
- advancement,
- promotion,
- remuneration,
- granting of social benefits,
- discipline or termina

rights defined in this law, granted to workers by a unilateral decision of an employer or a group of employers, by an employment contract, by a collective convention or agreement, or by an arbitral decision.

SECTION IV PUBLICITY

Article 14

The employer must keep at least one copy of the labour law at the disposal of his workers and, in particular, of the workers' representatives in every enterprise or establishment set forth in Article 1 of this law.

SECTION V FORCED LABOUR

Article 15

Forced or compulsory labour is absolutely forbidden in conformity with the International Convention No. 29 on the Forced or Compulsory Labour, adopted on June 28, 1930 by the International Labour Organisation and ratified by the Kingdom of Cambodia on February 24, 1969.

This article applies to everyone, including domestics or household servants and all workers in agricultural enterprises or businesses.

Article 16

Hiring of people for work to pay off debts is forbidden.

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CHAPTER II ENTERPRISES- ESTABLISHMENTS

SECTION I DECLARATION OF THE OPENING AND CLOSING OF THE ENTERPRISE

Article 17

All employers to whom this labour law is applied, shall make a declaration to the Ministry in charge of Labour when opening an enterprise or establishment. This declaration, called a declaration of the opening of the enterprise or establishment, must be made in writing and be submitted to the Ministry in charge of Labour before the actual opening of the enterprise or establishment.

Employers who employ fewer than eight workers on a permanent basis and who do not use machinery, shall make and submit this declaration to the Ministry in charge of Labour within thirty days following the actual opening of the enterprise or establishment.

Article 18

For the closing of the enterprise, employers shall also make a declaration to the Ministry in charge of Labour within thirty days following the closing of the enterprise.

Article 19

A Prakas of the Ministry in charge of Labour shall define the formality and procedure of the declarations to follow in each case.

Article 20

Every employer shall establish and neatly keep a register of an establishment that was numbered and initialled by the Labour Inspector. The model of the register shall be set by a Prakas of the Ministry in charge of Labour.

SECTION II DECLARATION ON MOVEMENT OF PERSONNEL

Article 21

Every employer must make the declaration to the Ministry in charge of Labour each time when hiring or dismissing a worker.

This declaration must be made in writing within fifteen days at the latest after the date of hiring or dismissal.

This period is extended to thirty days for agricultural enterprises.

The declaration of hiring and dismissal is not applied to:

- Casual employment with a duration of less than thirty continuous days.
- Intermittent employment for which the actual length of employment does not exceed three months within twelve consecutive months.

SECTION III INTERNAL REGULATIONS OF THE ENTERPRISE

Article 22

Every employer of an enterprise or establishment, set out in Article 17 above, who employs at least eight workers shall always establish an internal regulation of the enterprise.

Article 23

Internal regulations adapt the general provisions of this law in accordance with the type of enterprise or establishment and the collective agreements that are relevant to the sector of activity of the aforementioned enterprise or establishment, such as provisions relating to the condition of hiring, calculation and payment of wages and perquisites, benefits in kind, working hours, breaks and holidays, notice periods, health and safety measures for workers, obligations of workers and sanctions that can be imposed on workers.

Article 24

The internal regulations must be established by the manager of enterprise after consultation with workers' representatives, within three months following the opening of the enterprise, or within three months after the promulgation of this law if the enterprise already exists.

Before coming into effect, the internal regulations shall be visaed by the Labour Inspector. This visa shall be issued within a period of sixty days.

Article 25

The articles of internal regulations that suppress or limit the rights of workers, set forth in laws and regulations in effect or in conventions or collective agreements applicable to the establishment, are null and void.

The Labour Inspector shall require the inclusion of enforceable provisions in virtue of laws and regulations in effect.

Article 26

An employer can not impose disciplinary action against a worker I (th)3.5(e)6.2(Lat-5.8(c)5.8(tio)-2(La5 4)-5.8(s)

The issuance of employment card shall be subjected to a fee that shall be collected and given to the national budget. The fee rate and the method of collection shall be set by a joint Prakas of the Ministry of Finance and the Ministry in charge of Labour.

Article 37

The hiring and dismissal of a worker, his wage and wage increase shall be recorded in his employment card.

4. The price of items on sale is to be displayed visibly.

Article 43

The opening of a company store is determined by a Prakas of the Ministry in charge of Labour.

The Labour Inspector monitors the operation of company stores whose management is also

No employer, instructor in charge of an apprenticeship can live in the same house with female minor apprentices.

The capacity as an apprenticeship instructor or a person in charge of apprenticeship is disqualified for:

1. Individuals who have been convicted of a crime.
2. Individuals who have been guilty of behaving against the local traditional customs.
3. Individuals who have been imprisoned for stealing, fraud, misappropriation and corruption.

Article 56

A Prakas of the Ministry in charge of Labour shall determine the occupation and types of work for which teenagers aged at least eighteen years are allowed to be an apprentice.

Once his vocational skill training is adequate, the apprentice is no longer treated as an apprentice but as a worker hereafter.

Article 57

Any enterprise employing more than sixty workers must have the number of apprentices equal to one-tenth of the number of the workers in service of that enterprise.

The maximum number of apprentices employed in an enterprise, regardless of the total number of workers, shall be determined by a Prakas of the Ministry in charge of Labour in accordance with the possible availability of personnel and materials.

Derogation of the obligation stated in the first paragraph of this article can be endorsed by a decision of the Labour Inspector for enterprises that have requested to pay an apprenticeship tax whose

The apprentice shall obey and respect his instructor within the context of apprenticeship. He must assist the instructor in his work to the best of his ability. He shall keep the professional confidentiality.

Article 61

Any person who is convinced of having incited an apprentice to break his contract shall be liable to an indemnity in favour of the manager of the establishment or of the workshop that the apprentice has abandoned. The indemnity must, in no case, not exceed the amount of actual damages suffered by the former employer.

Any new apprenticeship contract made before the fulfilment of all the obligations or termination of the preceding contract shall be null and void.

SECTION IV
MONITORING OF APPRENTICESHIP

Article 62

A system for monitoring the apprenticeship, such as determining programs by trade, supervision during the apprenticeship, final examination, methods for setting up examination panel, etc., shall be determined by a Prakas of the Ministry in charge of Labour.

The Prakas of the Ministry in charge of Labour shall also clearly determine the regulations regarding the duration of the apprenticeship, including the trial period, according to the level of professional skill and technical and conceptual knowledge, as well as all the apprentice's previous training and experience or professional progress made during the course of the apprenticeship.

SECTION V
TERMINATION OF APPRENTICESHIP CONTRACT

Article 63

The apprenticeship contract is terminated lawfully:

1. By the death of the instructor or the apprentice.
2. If the apprentice or the instructor is obliged to serve in the army.
3. If the instructor or the apprentice is imprisoned for a felony or misdemeanor.
4. By the closure of workshop or enterprise, specified in the above articles.

Article 64

An apprenticeship contract may be terminated at the request of one or both parties, particularly in the following cases:

7. A contract of a fixed duration must be in writing. If not, it becomes a labour contract of undetermined duration.

8. When a contract is signed for a fixed period of or less than two years, but the work tacitly and quietly continues after the end of the fixed period, the contract becomes a labour contract of undetermined duration.

Article 68

A contract for a probationary period cannot be for longer than the amount of time needed for the employer to judge the professional worth of the worker and for the worker to know concretely the working conditions provided. However, the probationary period cannot last longer than three months for regular employees, two months for specialised workers and one month for non-specialised workers.

10. An act of God that prevents one of the parties from fulfilling his obligations, up to a maximum of three months.

11. When the enterprise faces a serious economic or material difficulty or any particularly unusual difficulty, which leads to a suspension of the enterprise operation. This suspension shall not exceed two months and be under the control of the Labour Inspector.

An employer can reinstate a suspended contract provided that the reasons for the suspension have been remedied and he has given prior notice in accordance with the law.

Article 72

1. The suspension of a labour contract affects only the main obligations of the contract, that are those under which the worker has to work for the employer, and the employer has to pay the worker, unless there are provisions to the contrary that require the employer to pay the worker.

set by a collective agreement. If nothing is set in such agreement, the severance pay is at least equal to five percent of the wages paid during the length of the contract.

If a contract of unspecified duration replaces a contract of specified duration upon the latter's expiration, the employment seniority of the worker is calculated by including periods of both contracts.

In every case of contract termination, the worker can require the employer to provide him with an employment certificate.

B. Labour Contracts of Unspecified Duration

Article 74

These leave days are paid to the worker at the normal rate of remuneration, regardless of how it is calculated. This payment shall include other perquisites.

Article 80

For task-work or piecework, the worker usually cannot abandon the task that he has been assigned before it has been finished.

However, for a long-term employment that cannot be completed in less than one month, one of the contracting parties who wishes to release himself from the obligations of the contract for serious reasons, he can do so as long as he notifies the other party eight days in advance.

Article 81

Throughout the notice period, the employer and the worker shall be bound to carry out the obligations incumbent on them.

Article 82

The contracting parties are released from the obligation of giving prior notice under the following cases:

1. For a probation or an internship specified in the contract.
2. For a serious offense on the part of one of the parties.
3. For acts of God that one of the parties is unable to meet his obligations.

Article 83

The followings are considered to be serious offenses:

A. On the part of the employer

1. The use of fraudulent measures to entice a worker into signing a contract under conditions to which he would not otherwise have agreed, if he had realised it.
2. Refusal to pay all or part of the wages.
3. Repeated late payment of wages.
4. Abusive language, threat, violence or assault.
5. Failure to provide sufficient work to a piece-worker.
6. Failure to implement labour health and safety measures in the workplace as required by existing laws.

B. On the part of the worker

6. Political propaganda, activities or demonstrations in the establishment.

exceed six months of wage and fringe benefits. If the worker's length of service is longer than one year, time fractions of service of six months or more shall be counted as an entire year.

The worker is also entitled to this indemnity if he is laid off for reasons of health.

Article 90

Indemnity for dismissal must be granted to the worker and, if applicable, he can also claim damages even though the contract was not terminated by the employer, but the latter, through his incitements, pushed the worker into ending the contract himself. If the employer treats the worker unfairly or repeatedly violates the terms of the contract, he also has to pay indemnities and damages to the worker.

D. Damages

Article 91

The termination of a labour contract without valid reasons, by either party to the contract, entitles the other party to damages.

These damages are not the same as the compensation in lieu of prior notice or the dismissal indemnity.

The worker, however, can request to be given a lump sum equal to the dismissal indemnity. In this case, he is relieved of the obligation to provide proof of damage incurred.

Article 92

When a worker has unjustly breached a labour contract and takes a new job, the new employer is

Article 95

Any layoff resulting from a reduction in an establishment's activity or an internal re-organisation that is foreseen by the employer is subject to the following procedures:

been cancelled, on the condition of keeping a three months' notice, by either party. When the collective agreement is concluded by shop stewards under the exceptional conditions laid in paragraph 2 of this article, the term of such agreement is not to exceed one year. When the collective agreement is concluded for an indefinite term, it can be cancelled, but it continues to be in effect for a period of one year to the party that forwarded a complaint to cancel it. The notice of cancellation does not prevent the agreement from being implemented by the other signatories.

Collective agreements shall specify their scope of application. This can be an enterprise, a group of enterprises, an industry or branch of industry, or one or several sectors of economic activities.

Article 97

The provisions of a collective agreement shall apply to employers concerned and all categories of workers employed in the establishments as specified by the collective agreement.

Article 98

The wage must be paid directly to the worker concerned, unless the worker agrees to get paid

F. Wage Deduction

Article 126

The wage taken into account for this calculation is the monthly wage.

Article 131

The limits, stipulated in Article 130 above, do not apply to food creditors, since the purpose of the unattachable portion of the wages is to feed the worker's family. However, food creditors can only claim the current monthly amount of his ration allowance; for overdue amounts, they must participate with the other creditors for the attachable portion.

Article 132

Family allowances cannot be garnished or assigned except to pay for debts for food.

Article 133

The Ministry in charge of Labour can issue a Prakas authorising an extension of the daily hours in order to make up for hours lost following mass interruptions in the work or a general slowdown from either accidental causes or acts of God, notably bad weather or because of holidays, local festivals, or other local events, in the following cases:

- a) Making up for lost hours will not be authorised for more than 30 days per year and will be implemented within fifteen days after the return to work. For agricultural enterprises this period is extended to one month.
- b) The extension of the daily working hours cannot exceed one hour.
- c) Hours of work cannot exceed ten hours per day.

Article 141

Prakas issued by the Ministry in charge of Labour shall determine as follows:

1. The allocation of working hours within the forty-eight hour working week in order to allow for a break on Saturday afternoon or any other equivalent approach, on the condition that the extra hours do

The provisions of the present Section can be suspended for war or other events that threaten national security.

SECTION III NIGHT WORK

Article 144

For the purposes of this law, the term “night” represents a period of at least eleven consecutive hours that includes the interval between 2200 and 0500 hour.

Besides continuous work that is performed by rotating teams who sometimes work during the day and sometimes at night, the work at the enterprise can always include a portion of night work. Night work is paid at the rate set in Article 139 of this law.

SECTION IV

In enterprises where bad weather results in days off, these forced days off can be deducted from weekly breaks to a maximum of two days per month.

Article 156

In seasonal industries or industries that process perishable goods or foodstuffs that are sensitive to bad weather, the weekly break can be suspended as an exception upon authorisation from the Labour Inspector.

Article 157

A Prakas of the Ministry in charge of Labour shall list the particular industries that are included in the general categories laid out in Articles 155 and 156 above, as well as the provisions for providing compensatory time off.

Article 158

When the weekly break is given to the workers collectively, a legible notice indicating the days and hours of the time off must be posted in a conspicuous place.

Article 159

When the weekly break is not given to the workers collectively, there must be a special list including the names of the workers subject to a particular rest schedule, and indicating this break scheme.

Newly hired workers must be added to this list after a period of six days.

The list must be constantly updated and must be made available to the agents in charge of labour control for visaing it during their visits.

Article 160

Any business owner, director, or manager who wants to suspend the weekly break must request authorisation from the Labour Inspector and, except for acts of God, must do so before the work commences.

He must explain to the Labour Inspector about the circumstances that justify the suspension of the weekly break, indicate the date and duration of the suspension, specify the number of workers to which the suspension applies, and indicate the plan for providing compensatory time off. If the Labour Inspector refuses to authorise the suspension of the weekly break, he must inform the business owner, director, or manager of his refusal in writing within four days upon receipt of the request. Lack of notification is considered valid authorisation for suspension of the weekly break.

SECTION V PAID HOLIDAYS

Article 161

Each year, the Ministry in charge of Labour issues a Prakas determining the paid holidays for workers of all enterprises.

These paid holidays do not break off the length of service required to obtain paid annual leave, nor do they reduce this type of leave.

Article 162

In case that the public holiday coincides with a Sunday, workers will have the following day off. Time off for holidays cannot be the reason for reducing monthly, bi-monthly, or weekly wages.

Article 163

Workers paid by the hour, the day, or by the amount produced shall be entitled to an indemnity equal to the wage lost as a result of holidays as defined in Article 161. This indemnity shall be paid by the employer.

Article 164

In establishments or enterprises where work cannot be interrupted because of the nature of their activities requiring the workers to occupy with working during holidays; those workers shall be entitled to an indemnity in addition to wages for the work performed. The amount of this indemnity to be paid by the employer shall be set by a Prakas of the Ministry in charge of Labour.

Article 165

Hours lost because of holidays as indicated above can be made up according to the conditions laid down in laws in effect. The made-up hours shall be considered as normal work hours.

SECTION VI
PAID ANNUAL LEAVE

Article 166

The length of continuous service set out in Article 166 must cover the entire period during which the worker has a labour contract with the employer, even if the work was suspended without a termination of the contract.

Included in the period for which the worker is entitled to paid leave each year is as follows:

- weekly time off;
- paid holidays;
- sick leave;
- maternity leave;
- annual leave and notice period; and
- special leave granted up to a maximum of seven days during any event directly affecting the worker's immediate family.

On the contrary, special leave for personal reasons is not included when calculating the eligibility period for paid annual leave if the time off was not made up.

Article 170

In principle, annual leave is normally given for the Khmer New Year unless there is a different

All employers and managers of establishments in which child laborers or apprentices less than eighteen years of age or women work, must watch over their good behaviour and maintain their decency before the public. All form of sexual violation (harassment) is strictly forbidden.

Article 173

A Prakas of the Ministry in charge of Labour shall determine the different types of work that are hazardous or too strenuous and that shall be prohibited to children aged less than eighteen years.

The Prakas shall also establish the special conditions under which minors can be employed in insalubrious or hazardous establishments where the staff is exposed to arrangements harmful to their health.

Article 174

Minors less than eighteen years old cannot be employed in underground mines or quarries.

The Prakas of the Ministry in charge of Labour shall determine the special conditions of work and apprenticeship for minors aged from sixteen to less than eighteen years for underground work.

Article 175

Children, employees, laborers, or apprentices aged less than eighteen years cannot be employed to perform night work in any enterprise covered in Article 1 of this law.

The Prakas of the Ministry in charge of Labour shall determine the conditions under which special dispensations can be allowed for teenagers over sixteen years of age:

a) for work performed in the industries listed below, which, because of their nature, must operate continuously day and night:

- iron and steel factories;
- glass factories;
- paper factories;
- sugar factories;
- gold ore refineries.

b) For an inevitable case that obstruct the normal operations of the establishment.

Article 176

The night-time break for children of either sex must be a minimum of eleven consecutive hours.

B. Child Labour

Article 177

1. The allowable minimum age for wage employment is set at fifteen years.

2. The minimum allowable age for any kind of employment or work, which, by its nature, could be hazardous to the health, the safety, or the morality of an adolescent, is eighteen years. The types of employment or work covered by this paragraph are determined by a Prakas of the Ministry in charge of Labour, in consultation with the Labour Advisory Committee.

3. Regardless of the provisions of paragraph 2 above, the Ministry in charge of Labour can, after having consulted with the Labour Advisory Committee, authorise the generation of occupation or

morality is fully guaranteed and that they can receive, in the corresponding area of activity, specific and adequate instruction or vocational training.

4. Regardless of the provisions of paragraph 1 above, children from twelve to fifteen years of age can be hired to do light work provided that:

Article 183

During the maternity leave as stipulated in the preceding article, women are entitled to half of their wage, including their perquisites, paid by the employer.

Women fully reserve their rights to other benefits in kind, if any.

Any collective agreement to the contrary shall be null and void.

However, the wage benefits specified in the first paragraph of this article shall be granted only to women having a minimum of one year of uninterrupted service in the enterprise.

Article 184

For one year from the date of child delivery, mothers who breast-feed their children are entitled to one hour per day during working hours to breast-feed their children. This hour may be divided into two periods of thirty minutes each, one during the morning shift and the other during the afternoon shift. The exact time of breast-feeding is to be agreed between the mother and the employer. If there is no agreement, the periods shall be at the midpoint of each work shift.

Article 185

Breaks for breast feeding are separate from and shall not be deducted from normal breaks provided for in the labour law, in internal regulations of the establishment, in collective labour agreements, or in local custom for which other workers in the same category enjoy them.

Article 186

Managers of enterprises employing a minimum of one hundred women or girls shall set up, within their establishments or nearby, a nursing room and a day-care center.

If the company is not able to set up a day-care center on its premises for children over eighteen months of age, female workers can place their children in any day-care center and the charges shall be paid by the employer.

Article 187

A Prakas of the Ministry in charge of Labour shall determine the conditions for setting up hygienic environment and supervising these nursing rooms and day-care centers.

SECTION IX

WORKERS RECRUITED OUTSIDE THE WORK PLACE

Article 188

All workers who were recruited far from the work place and whose trip to the work place was paid for by the employer are, at the expiration of the contract or during leave period, entitled to a return trip to the place of recruitment at the expense of the employer under the same conditions as the original trip.

The same obligation applies to the employer if there is a lay-off as a result of a work stoppage, the closing of the enterprise or an individual dismissal. If the reason for the dismissal is a serious misconduct on the part of the worker, the employer must reimburse travelling expenses only in proportion to the period the worker has worked in the enterprise.

Article 189

The worker whose services were terminated under the conditions specified above can demand a return expense from his former employer only within a maximum of one year from the day he stopped working for the employer.

Article 190

A Prakas of the Ministry in charge of Labour shall determine the procedure for implementation of this Section.

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CHAPTER VII
SPECIFIC WORKING CONDITIONS
FOR AGRICULTURAL WORKS

Article 191

Besides the general provisions set out in this law, the following provisions apply to agricultural workers.

Article 192

An agricultural worker is a worker employed on:

- plantations;
- farms (the growing of crops and the raising of animals);
- forestry exploitation;
- fisheries.

SECTION I
PLANTATIONS

Article 193

For the purposes of this law, the term "plantation" means all agricultural business that regularly employs paid workers and that primarily cultivates or produces the following for commercial purposes: coffee, tea, sugar cane, rubber, bananas, coconuts, peanuts, tobacco, citrus fruits, oil palm, cinchona, pineapple, pepper, cotton, jute, and other commercial crops.

The provisions in the prl2(in)-7Tn(out inS.8()6.ulct -1.JT0 not ap)-6.3(ply t.JT0 faJT0mily)7Tn(e)-6.3(n)-.1(ter)-7.7 long as the weekly total does not exceed forty-eight.

Article 195

For regular resident workers, i.e. those accommodated by the enterprise, any time over one hour required for travelling between workplace and home is considered to be part of the work day.

For regular non-resident workers as well as casual workers, the daily working hours is determined according to the hours worked.

Article 196

For certain jobs, a maximum of two hours may be added to the actual eight hours of work in order

issued by the public or authorised private school. If the school is a private institution, the signature of the head of the institution must be notarised by the competent ministry.

Article 201

Family benefits are due to the worker as of the date of hiring on the condition that the employer was given all required supporting documents.

Article 202

The worker who wants to benefit from the provisions of the present Section must present the following supporting documents:

- a) an excerpt of marriage certificate;
- b) an excerpt of birth certificate for each child;
- c) a declaration by the head of the household claiming responsibility for his own that his wife is not gainfully employed;
- d) eventually, proof of schooling or apprenticeship attendance as provided for in Article 200.

Article 203

If the worker finds himself unable to procure the certificates enumerated in paragraphs a) and b) of Article 202 above, they can be replaced by either a court decision or by an attested affidavit as prescribed by the laws or regulations in effect regarding civil status.

D. Housing

Article 204

Regular full-time workers shall be entitled to free housing (main house and out buildings) provided by the employer under the conditions set by a Prakas of the Ministry in charge of Labour.

Article 205

Housing (main house) provided to a married worker living with his family should have a minimum inhabitable area of twenty-four square meters. A house of this size can be provided to single workers at the rate of one house per a maximum of four single persons of the same sex.

Article 206

The housing must be constructed in conformance with sanitation and public health regulations issued by the competent authorities. To this end, enterprises shall submit the plans and specifications for one or more types of housing to the Bureau of Labour Inspection who will directly advise and then send them to the competent provincial or municipal authorities. If the authorities voice no reservation within thirty days from the submission, the enterprise can undertake any construction conforming to the submitted project. Special authorisation can be requested for the construction of temporary housing during the installation period or the clearing of new lots as long as the temporary housing is not occupied longer than three years and that it conforms to general standards of sanitation, hygiene and health as established by the competent authorities.

Article 207

Workers are prohibited from housing anyone other than their wife and legitimate or illegitimate children registered with the employer in the houses putting at their disposal, unless otherwise authorised by the employer.

Article 208

Workers must always keep their house, as well as their outbuildings, courtyard, and garden, clean. They are liable for damage to the housing they are provided.

E. Housing Allowance

Article 209

When the plantation cannot furnish housing to regular full-time workers, the employer is required to pay them a monthly housing allowance under the conditions determined by a Prakas from the Ministry in charge of Labour in accordance with the recommendation of the Labour Advisory Committee.

F. Water

Article 210

Workers must be supplied with water for all their needs, in every season, and under the best conditions possible.

Article 211

The source of water shall be found, protected and the water shall be distributed first for consumption.

Article 212

In case that the water are suspected to be tainted, the employer shall take all necessary measures (sterilisation by boiling or chlorination, etc.) recommended by the public health service.

G. Provision of Supplies

Article 213

For plantations or work sites that are located far from regular markets and that do not have adequate supplies of their own, the employer can set up a store that provides staples such as rice, dry salted fish, smoked fish, salt, tea, etc. The store must operate according to the conditions defined in Articles 42 and 43 of this law.

H. Latrines

Article 214

In each community of workers, the number of latrines must equal at least one-quarter of the number of houses. These latrines shall be in covered buildings placed at a sufficient distance from the living areas. They shall be enclosed and maintained permanently in a sanitary state.

Article 215

Household refuse and garbage of all kinds shall be placed in a pit away from water sources and buried daily or burned.

Article 216

Dead animals must be buried far from water sources, wells, cisterns, and inhabited areas.

I. Death - Interment or Cremation

Article 217

Deaths shall be certified by the competent authorities and burial or cremation shall be organised as prescribed by the regulations in effect.

Article 218

Upon the death of each regular worker, the employer shall furnish:

- a coffin;
- white cloth;
- transportation of the coffin to the cemetery or the crematorium;

- and shall be responsible for funeral costs up to at least one-month wage of the deceased worker.

J. Day Nursery

Article 219

When a plantation employs one hundred or more regular working resident women, the Labour Inspector can, on the advice of the health service and the provincial or municipal governors, require the employer to construct, organise, and maintain a day nursery near the workers' housing.

This day nursery will be placed under the supervision of a female caretaker, who will be eventually assisted as needed by one or more helpers, depending on the number of children, and will be provided with necessary supplies such as milk and rice.

For infants more than two year old, the owner of the plantation shall distribute, in addition to rice, a variety of food. The rations shall be monitored by the health service of the enterprise.

Article 220

The maximum age of admittance for children to the day nursery is six years.

Article 221

CHAPTER VIII
HEALTH AND SAFETY OF WORKERS
SCOPE OF APPLICATION

Article 228

The provisions of the present Chapter shall apply to all enterprises of any kind, as stated in Article 1 of this law.

However, excluded from them are workshops where only family members are employed under the direction of the father, the mother, or guardian as long as the work is not performed using a boiler or mechanical or electric motors or the industry is not classified as dangerous or unsanitary.

SECTION I
GENERAL PROVISIONS

Article 229

All establishments and work places must always be kept clean and must maintain standards of hygiene and sanitation or generally must maintain the working conditions necessary for the health of the workers.

The Ministry in charge of Labour and other relevant ministries shall prepare a Prakas to monitor the measures for enforcing this article in all establishments subject to the provisions of this Chapter, particularly regarding:

- quality of the premises;
- cleaning;
- hygienic arrangements for the needs of personnel;
- beverages and meals;
- lodging of the personnel, if applicable;
- work stations and the seating arrs and me•

- preventive measures to be taken for work in confined areas or for work done in an isolated environment;
- risks of liquids spilling;
- fire prevention.

Article 231

Without prejudice to the provisions in Articles 229 and 230 and the regulation for their enforcement, and if necessary, the Ministry in charge of Labour can issue other Prakas in order to enforce the same legislative measures regarding the special regulations for certain professions or certain types of work.

Article 232

The Prakas described in Articles 229 to 231 shall be issued after having consulted with the Labour Advisory Committee.

SECTION II INSPECTIONS

Article 233

Visits to establishments and inspections for the purpose of enforcement of the legislative provisions and regulations regarding health, working conditions and safety shall be made by Labour Inspectors and Labour Controllers. Labour Medical Inspectors and experts in work safety shall collaborate to implement these inspection missions.

After inspection, if infractions are found, the Labour Inspector shall serve notice on the manager of the establishment by indicating all points that do not comply with the provisions of Chapter VIII of this labour law and the Prakas for its implementation.

Article 234

assist and to treat workers. This includes medical personnel, buildings, materials, bandages and medicines.

Article 244

When there are more than 200 workers, the infirmary must include, in addition to medicines and bandages, areas for hospitalising the injured and sick before they are transferred to a hospital or isolated

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- reduce the compensation if it is proved that the accident was the result of an inexcusable mistake of the victim;
- increase the compensation if it is proved that the accident was the result of an inexcusable mistake of the employer or persons acting for him in the management of work.

Article 253

Compensation for fatal accidents or for accidents causing permanent disability is paid to the victim or his beneficiaries as an annuity.

Supplementary compensation is granted to a victim who requires constant care from another person.

In the event of incapacitation, compensation shall be paid no later than the fifth day after the accident.

Article 254

Victims of work-related accidents shall be entitled to medical assistance (benefits in kind, medical

All employers are required to notify the Placement Office of the Ministry in charge of Labour or the provincial or municipal Employment Office of any vacancies in his enterprise or any new need for personnel.

An employer can directly recruit workers for his enterprise, but he must meet the requirements mentioned in Article 21 of this law.

Article 259

No employer is required to accept a worker who has been referred to him by the Placement Office. The priority for accepting certain categories of workers will be determined by special provisions and regulations.

Article 260

Personnel of a Placement Office are prohibited from demanding or accepting any payment whatsoever for the placement of a worker.

SECTION II EMPLOYMENT OF FOREIGN LABOUR

Article 261

No foreigner can work unless he possesses a work permit and an employment card issued by the Ministry in charge of Labour. These foreigners must also meet the following conditions:

- a) Employers must beforehand have a legal work permit to work in the Kingdom of Cambodia;
- b) These foreigners must have legally entered the Kingdom of Cambodia;
- c) These foreigners must possess a valid passport;
- d) These foreigners must possess a valid residency permit;
- e) These foreigners must be fit for their job and have no contagious diseases. These conditions must be determined by a Prakas from the Ministry of Health with the approval of the Ministry in charge of Labour.

The work permit is valid for one year and may be extended as long as the validity of extension does not exceed the fixed period in the residency permit of the person in question.

Article 262

The Ministry in charge of Labour can revoke a work permit in the following cases:

- a) When the holder does not fulfil one of the conditions laid in paragraph 2 point a), b), c), d), and e) of Article 161 above.
- b) When the job to be extended by the holder in the Kingdom of Cambodia is competing with Cambodian job seekers in the country. This revocation is carried out 5neon-5.9()6.2(validexpi3(ied)-y be 6.4()-5.9(emp)-o

responsible for management and administration, with the Ministry in charge of Labour for registration. All request for registration shall be appended with the statement of constitution of the organisation.

If the Ministry in charge of Labour does not reply within two months after receipt of the registration form, the professional organisation is considered to be already registered.

A copy of the statutes and the list of names of those responsible for management and administration shall be sent to the Labour Inspectorate where the organisation was established, as well as to the Office of the Council of Ministers, to the Ministry of Justice and to the Ministry of Interior.

The filing will be renewed whenever there are changes in the statutes or management.

Article 269

The members responsible for the administration and management of a professional organisation shall meet the following requirements:

- 1) be at least 25 years of age;
- 2) be able to read and write Khmer;
- 3) not have been convicted of any crime;
- 4) have engaged in the profession or the job for at least one year.

Article 270

Foreigners who are eligible to be candidates for the election of the management of a professional organisation of employers must meet the following requirements:

- 1) be at least 25 years of age;
- 2) have the right to permanent residence in accordance with the Immigration Law of the Kingdom of Cambodia;
- 3) have worked for at least two consecutive years in the Kingdom of Cambodia.

Foreigners who are eligible to be candidates for the election of the management of a professional organisation of workers must meet the following requirements:

- 1) be at least 25 years of age;
- 2) be able to read and write Khmer;
- 3) have the right to permanent residence in accordance with the Immigration Law of the Kingdom of Cambodia;
- 4) have worked for at least two consecutive years in the Kingdom of Cambodia.

Article 271

All workers, regardless of sex, age, nationality are free to be a member of the trade union of their choice.

Article 272

All members of a trade union can participate in the management and administration of the union if they meet the requirements laid in Articles 269 and 270 above. The union's statutes, however, can possibly limit the conditions for participation of retirees in these functions.

Article 273

4. If it is necessary to determine the representative nature of a professional organisation or to verify its sustainability, the Minister in charge of Labour can conduct an investigation.

The professional organisation in question is required to provide all supporting documents at the request of the competent official.

When the supporting documents are not available or these documents are not sufficient, the recognition of representativeness can be rejected or suspended until the necessary information is obtained. The advantages deriving from the representativeness which every professional organisation benefits are consequently cancelled or suspended.

Article 278

In all enterprises or establishments employing eight or more workers, the representative union can appoint a shop steward from among the official shop stewards or alternate to represent it as the union representative to the manager of enterprise or establishment. He has sufficient authority to conclude and

- Workers covered by Article 1 - paragraph 3 of this law have the right to elect shop stewards, but the provisions for implementation shall be determined by a separate Anukret (sub-decree).
- Personnel serving in the air or sea transportation industries shall also abide by the provisions of the present Section. However, for elections of shop stewards, they must be grouped into one or more specific electoral colleges with their own shop stewards within their enterprises.

This Section III does not apply to domestic or household servants.

Acknowledgement that there are several distinct establishments within any enterprise, having the above-required number of workers, does not have the effect on excluding a number of workers from abiding by this provision.

be a candidate must have the right to reside in the Kingdom of Cambodia in conformance with the provisions of the Immigration Law until the end of the term solicited.

Article 287

The election shall take place during working hours. The ballot is secret. The election of official shop stewards and assistant shop stewards shall be organised with separate ballots, but at the same time. If there is a pre-electoral agreements or a collective agreement or a regulatory provision applicable to the discrete professional categories that entail distinct electoral polls, then the election shall be organised separately in different places.

Article 288

The shop stewards are elected from the candidates nominated by the representative union organisations within each establishment.

A union organisation cannot nominate more candidates than the seats available for the prospective shop stewards to fill, and if necessary, this must apply to each electoral body.

Article 289

Any candidates who obtain the larger number of votes are declared elected up to the number of seats to fill. In case only one seat remains to be filled and several candidates received the same number of votes, this seat is allocated to the older of the candidates. The ballot is valid only if the number of voters is at least equal to half of the number of those registered.

Article 290

well as to the union organisation to which the worker belongs, within one month at the latest upon receipt of the case.

On receipt of the decision, the employer, the worker in question, or the union organisation to which the worker belongs has a period of two months to appeal to the Minister in charge of Labour. The Minister in charge of Labour can cancel or reverse the decision of the Labour Inspector.

OF INDIVIDUAL DISPUTES

Article 300

An individual dispute is one that arises between the employer and one or more workers or apprentices individually, and relates to the interpretation or enforcement of the terms of a labour contract or apprenticeship contract, or the provisions of a collective agreement as well as regulations or laws in effect.

Prior to any judicial action, an individual dispute can be referred for a preliminary conciliation, at the initiative of one of the parties, to the Labour Inspector of his province or municipality.

Article 301

On receipt of the complaint, the Labour Inspector shall inquire from both parties on the nature of the dispute and then shall attempt to conciliate the parties on the basis of relevant laws, regulations, collective agreements, or the individual labour contract.

To this effect, the Labour Inspector shall set a hearing that is to take place within three weeks at the latest upon receipt of the complaint.

The parties can be assisted or represented at the hearing.

The results of the conciliation shall be contained in an official report written by the Labour Inspector, stating whether there was agreement or non-conciliation. The report shall be signed by the Labour Inspector and by the parties, who receive a certified copy.

An agreement made before the Labour Inspector is enforceable by law.

In case of non-conciliation, the interested party can file a complaint in a court of competent jurisdiction within two months, otherwise the litigation will be lapsed.

SECTION II COLLECTIVE LABOUR DISPUTES

A. Conciliation

Article 302

A collective labour dispute is any dispute that arises between one or more employers and a certain number of their staff over working conditions, the exercise of the recognised rights of professional organisations, the recognition of professional organisations within the enterprise, and issues regarding relations between employers and workers, and this dispute could jeopardise the effective operation of the enterprise or social peace.

Article 303

If there is no planned settlement procedure in a collective agreement, the parties shall communicate the collective labour dispute to the Labour Inspector of their province or municipality. However, the Labour Inspector can

During the period of conciliation, the parties to the dispute must abstain from taking any measure of conflict. They must attend all meetings to which the conciliator calls them. Unjustified absence from any such meeting is punishable by a fine set in the rules of Chapter XVI.

Article 307

A conciliatory agreement, signed by the parties and visaed by the conciliator, has the same force and effect of a collective agreement between the parties and the persons they represent. However, when the party representing workers is not a trade union, the agreement is neither binding on such union nor on the workers it represents.

Article 308

In the absence of an agreement, the conciliator shall record and indicate the key points where the conciliation failed and shall prepare a report on the dispute. The conciliator shall send such record and report to the Minister in charge of Labour within forty-eight hours at the latest after the conclusion of conciliation.

B. Arbitration

Article 309

If conciliation fails, the labour dispute shall be referred to settle:

- a) by any arbitration procedure set out in the collective agreement, if there is such a procedure; or
- b) by any other procedure agreed on by all the parties to the dispute; or
- c) by the arbitration procedure provided for in this Section.

Article 310

In a case covered by paragraph c) of Article 309 above, the Minister in charge of Labour shall refer the case to the Council of Arbitration within three days following the receipt of the report from the conciliator as specified in Article 308 above.

The Council of Arbitration must inevitably meet within three days following the receipt of the case.

Article 311

Members of the Council of Arbitration shall be chosen from among magistrates, members of the Labour Advisory Committee, and generally from among prominent figures known for their moral qualities and their competence in economic and social matters. These persons shall be included on a list prepared each year by a Prakas of the Ministry in charge of Labour.

Article 312

The Council of Arbitration has no duty to examine issues other than those specified in the non-conciliation report or matters, which arise from events subsequent to the report, that are the direct consequence of the current dispute.

The Council of Arbitration legally decides on disputes concerning the interpretation and enforcement of laws or regulations or of a collective agreement. The Council's decisions are in equity for all other disputes.

Members of the Council of Arbitration must keep the professional confidentiality regarding the information and documents provided to them for examination, and of any facts that come to their attention while carrying out their mission.

All sessions of the Council of Arbitration shall be held behind closed doors.

Article 313

Within fifteen days starting from the date of its receipt of the case, the Council of Arbitration shall communicate its decision to the Minister in charge of Labour. The Minister shall immediately manage to notify the parties. The latter have the right to appeal this arbitral decision by informing the Minister by registered mail or by any other reliable method within eight calendar days from the date of receiving the notification.

Article 314

The final arbitral decision which was not appealed by either party shall be implemented immediately.

The arbitral decision which was already implemented shall be filed and registered the same way that a collective agreement is.

Article 315

The reports on conciliation agreements and arbitral decisions, which have not been appealed, shall be posted in the workplace of the enterprise involved in the dispute and in the office of the relevant provincial and municipal Labour Inspectorate.

Article 316

It can also be exercised when the union representing the workers deems that it has to exert this

If the strike affects an essential service, namely an interruption of such a service would endanger or be harmful to the life, safety, or health of all or part of the population, the prior notice mentioned in

Illegal strikes are those that do not comply with the procedures set out in this Chapter.

Non-peaceful strikes are also illegal.

Article 337

The Labour Court or, in the absence of the Labour Court, the general court, has sole jurisdiction to determine the legality or illegality of a strike.

If the strike is declared illegal, the strikers must return to work within forty-eight hours from the time when this judgment is issued. A worker who, without valid reason, fails to return to work by the end of this period is considered guilty of serious misconduct.

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CHAPTER XIV LABOUR ADMINISTRATION

SECTION I GENERAL PROVISIONS

Article 338

The Labour Administration is primarily responsible for preparing, implementing, coordinating, supervising, and evaluating national labour policy. Particularly within the realms of public administration, it is the tool for formulating and enforcing legislation in order for this policy to materialise.

The Labour Administration consistently studies the situation of employed, unemployed or under-employed persons in light of the national laws and practices regarding working conditions, employment and professional life. It pays attention to inadequacies and abuses in this area and puts forward a proposal and request a decision on method for remedy.

The Labour Administration offers its advisory service to employers and to workers, as well as to their respective organisations, in order to promote consultation and real cooperation between the authorities or public institutions and employers or workers, as well as between employers' and workers' organisations.

The Labour Administration responds to requests for technical assistance from employers and workers, as well as from their respective organisations.

The Labour Administration offers conciliatory services to employers and workers, as well as to their organisations, in order to help settle individual or collective disputes.

Article 339

The Labour Administration must permanently maintain adequate personnel, material, means of transportation, offices and premises to meet the needs of, and be conveniently accessible to, all interested persons.

Agents of the Labour Administration must be provided with adequate training for carrying out their respective functions. Relevant measures are taken by Prakas of the Ministry in charge of Labour to ensure that permanent training is provided to these agents during their employment.

Article 340

The agents of the Labour Administration must have sufficient qualifications to perform their assigned functions, have access to the necessary training in carrying out their functions and be free from all undue external influence.

All this personnel shall be granted with material means and financial resources required to efficiently perform their statutory duties.

Article 341

The Ministry in charge of Labour shall issue a Prakas to determine the structure of the Labour Administration and, for each service, specify:

- the roles and tasks incumbent on the responsible agents;
- the organisation, relationship and coordination with the other services within the Labour Administration;
- layout of the service in order to best serve in provinces and municipalities in the country;
- work methods of the responsible agents.

Article 342

The special statutes and conditions of service for the various categories of personnel in the Labour Administration shall be determined by an Anukret.

SECTION II LABOUR INSPECTION

Article 343

The tasks of the Labour Inspection are assumed by Labour Inspectors and by Labour Controllers.

Before their appointment, Labour Inspectors and Controllers must solemnly swear allegiance to fulfilling their duties and to not revealing, even after having left their post, any manufacturing or trade secrets or operating methods that they learned of during the course of their work.

Article 344

The Labour Inspection shall have the following missions:

Labour Inspectors, Labour Medical Inspectors and Labour Controllers cannot have any interest whatsoever in the enterprises within the jurisdiction of their inspection.

They must keep the source of any complaint, referred to them, about any default in the facility or a violation of the law strictly confidential and must not reveal to the employer or his representative that the inspection was the result of a complaint.

The Labour Advisory Committee shall have a permanent secretariat, which is under the responsibility of the Ministry in charge of Labour.

Article 355

At the request of the Chairperson or of one of the vice-chairpersons, duly qualified officers or prominent figures who are competent primarily in the areas of economics, medicine, social or ce ue T:002 8(th)4.1(e)6.2(

Article 362

Employers who eliminate or suspend the weekly time off of their workers or who provide this time off under conditions contrary to the provisions of Section IV of Chapter VI of the present Labour Law or implementing Prakas of this law are liable to a fine of ten to thirty days of base daily wage.

These penalties also apply to employers who suspend this time off without the necessary authorisation, or who do not provide their workers with compensatory time off under the conditions laid in the aforesaid provisions.

Article 363

Those guilty of violating the provisions of Articles 21, 28, 44, 45, 49, 50, 57, 59, 106, 139, 144, 162, 163, 164, 166, 167, 168, 169, 170, 179, 180 - paragraphs 1 and 2, 182 - paragraphs 2 and 3, 184, 194, 198, 200, 204, 205, 206, 210, 249, 296, and 306 are liable to a fine of thirty-one to sixty days of the base daily wage.

Article 364

The employer who neglects or refuses to grant an employment certificate under the conditions laid in Article 93 is liable to a fine of thirty-one to sixty days of the base daily wage.

Article 365

Without prejudice to any civil liability, those guilty of violating the provisions of Articles 113, 114, 115 and 116 are liable to a fine of thirty-one to sixty days of the base daily wage.

Article 366

Offsetting, installments, deductions from wages by the employer in violation of the rules imposed

Article 388

The organisation and functioning of the Labour Courts shall be determined by law.

Article 386

Pending the creation of the Labour Courts, disputes regarding the application of this law shall be referred to common courts.

CHAPTER XVIII

This law shall be declared as a matter of great urgency.

This law was adopted on January 10, 1997 by the National Assembly of the Kingdom of Cambodia during the 7th session of its first legislature, and promulgated on March 13, 1997.

Phnom Penh, March 13, 1997

in the King's name and by the royal order

Chea Sim
Acting Head of State