

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

**Ministry of Social Affairs, Labor,
Vocational Training and Youth Rehabilitation**

No. 005 MoSALVY

Phnom Penh, 6 March 2000

**CIRCULAR
On
THE RIGHT TO STRIKE**

The Ministry of Labour, Vocational Training and Youth Rehabilitation has recently observed that unusual activities have occurred led by the leaders of union federations and some other trade unions. According to the Constitution of the Kingdom of Cambodia (1993) and Chapter 13 of the Labour Law, workers have the right to strike but that right to strike shall be conducted within the scope of laws. Article 318, paragraph 1 of the Labour Law states that, "A strike is a concerted work stoppage by a group of workers that takes place within an enterprise or establishment for the purpose of obtaining the satisfaction for their demand from the employer as a condition of their return to work." A strike is an act of work stoppage, in which the workers should stay inside the factory, enterprise or establishment's premises to protest or claim something from the employer; that is, a strike is not a gathering as a group in order to march to another place.

Article 323 of the Labour Law states that, "A strike shall be declared according to the procedures set out in the union's statutes, which must state that the decision to strike is adopted by secret ballot." This means that before making a decision to strike, the union leaders shall hold a meeting and request an enactment from the union members with respect to the strike; if the workers do not agree, the strike shall not be conducted. The union leaders can not decide by themselves and incite or force the workers to strike.

Article 324 of the Labour Law provides for "the prior notice" to be made at least seven working days before starting the strike; that is, if the union members decide to hold a strike, the union leaders shall notify the employer as well as the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation seven days before staging the strike.

Article 330 of the Labour Law states that, "A strike must be peaceful".

Article 331 of the Labour Law states that, "Freedom of work for non-strikers shall be protected against all form of coercion or threat." This means workers who wish not to participate in the strike can continue working as usual. No union leaders or anyone else can force or threaten the workers to do what they want.

Past unusual activities, which were conducted in the form of demonstrations led by leaders of union federations and other trade unions, did not comply with the provisions of the Labour Law.

From now on, the leaders of union federations and trade unions shall exercise the "right to strike" correctly in accordance with the law and the provisions of the Labour Law. Persons who breach articles of the Labour Law shall be punished as provided in Chapter 16 of this law and regulations in effect.

The Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation strongly hopes that the leaders of the union federations, trade unions and all workers will conduct their activities in accordance with the Labour Law.

**Minister of Social Affairs, Labor, Vocational
Training, and Youth Rehabilitation**

Stamp and Signature

Ith Samheng