

LABOR LAW  
CHAPTER ONE

- Section 1  
General regulations  
-Various kinds of employees in the State of Cambodia 01

- Section 2  
Forced labors 02

CHAPTER TWO  
Enterprises

- Section 1  
Petition for opening or closing an enterprise 03

- Section 2  
Petition on personnels'activities 04

- Section 4  
Labor books 04

- Section 5  
Books of labor charges 05

- Section 6  
Shop for laborers(company store) 05

- Section 7  
Guaranty 06

- Section 8  
Types of works  
Contractors 06

CHAPTER THREE  
Training of apprentices

- Section 1  
Formality and types of a contract on training apprentices 07

- Section 2  
Conditions in the contract on training apprentices 07

- Section 3  
Duties of a trainer and apprentices 08

- Section 4  
The control over the apprentice training 09

- Section 5  
The dissolution of the contract on training 09

CHAPTER FOUR

- Section 1  
Contract on employment 10  
The application of the contract 10

- Section 2  
Suspension of the contract on employments 11

- Section 3  
Dissolution of a contract on employment 11

- Advance information and warning periods 11  
To stop laborers collectively 11

CHAPTER FIVE

A joint agreement of employments

CHAPTER SIX

General conditions of employments

- Section 1  
Labor charges 17

- The labor charges to be paid  
The termination of right to complain for labor charges 19

- Assurances and privilege of owed labor charges 19  
To cut labor charges

- the confiscation and transfer of labor charges  
Services fees, control, and distribution of the services fees

Section 2	Working periods	22
-Section 3	Working at night time	23
-Section 4	Weekly holidays	23
-Section 5	Holidays with labor charges to be paid	26
-Section 6	Yearly leaves with labor charges (wages)	26
-Section 7	Special leaves	28
-Section 8	Laborers for children and women	28
	Collective regulations	28
	Laborers for children	29
	Laborers for women	29
-Section 9	Laborers recruited outside a working site	30
	CHAPTER SEVEN	
	Particular conditions of works in agricultural job	
-Section 1	Plantation	31
	Working time	31
	Materials used as labor charges	32
	To give materials to families	32
	House	33
	Remunerations for houses	33
	Water	34
	To supply consumption goods	34
	Latrines	34
	Mortality and cremation	34
	Maternity houses	34
	Schools	35
-Section 2	Other agricultural occupations	35
	CHAPTER EIGHT	
	Sanitation and safety for laborers	
-Section 1	General regulations	35
-Section 2	Medical care (laborers' physicians)	37
	CHAPTER NINE	
	Accidents of works	38
	CHAPTER TEN	
	Finding a job for someone and recruiting a laborer	40
-Section 1	Finding a job for someone	40
	Recruiting a laborer for someone	41
	To employ a foreigner	41
	CHAPTER ELEVEN	
	Representatives of occupations	42
-Section 1	Personnels' representatives in an enterprise	42
	An association of occupations	43

CHAPTER TWELVE

	Judgement of differences	45
-Section 1	Personal differences	45
-Section 2	Differences of collective works	45
	CHAPTER THIRTEEN	
	Legal penalty	46
	CHAPTER FOURTEEN	
	Transitory disposition	46

C

B

L A B O U R - L A W

Chapter one

General Regulations

Section 1

Various kinds of employees in the State of Cambodia

Article 1: The regulations are aimed at arranging work-relationship between employers at any circumstances and employees-in enterprises, industries, mine, commerce, handicrafts, agriculture, services, enterprises of transportation by roads or water ways, although the interest belongs to public, semi-public or individuals, religions or non-religions, or it is in the form of skill-trainings- and employees of free profession in an association or a group of any kind. The regulations are applied on all personnels not supervised by communal statutes or civil servants (statuts communs des fonctionnaires) or diplomatic statutes and on agents of public workers appointed temporarily. The regulations are not applied on:

-judges.

-titular people who are appointed to work permanently in public.

-police, soldiers, military police governed by particular statutes .

The regulations are not applied on house servants unless there is a regulation defining the matter clearly. The regulations are not applied on personnels of airways and waterways who are governed by particular regulations

Article 2: Physical persons, moral persons (personnes physique, and personnes morale) or individuals are regarded as employers of enterprises -thanks to the regulations-when they employ one or many workers even not regularly

An enterprise can possess many companies, and each of them can employ a group of people working together in one specific place as in a factory, workshop etc...under the employer's supervision the company, as mentioned above, is under the supervision of an enterprise. The company can employ a person. Once the company is alone and not under other enterprises, it is regarded as an enterprise and building together.

Article 3: Employees, according to the regulation definition, are those of all sexes and nationals who have been engaged to work for payment under a control and leadership of another person who is a physical person or a moral person or an individual. In order to clarify the employee's qualification, statutes of employers' or employees' as well as more or less payment are not considered.

Article-4 : House servants are those who work for charges and have a duty of taking care of one's house, and of one's property for charges.

Article 5 : Employees or helpers are those who have been engaged to help another person in his work for charge, but not work in complete labours, or in his supplemental labour only.

Article 6 : Workers are those who, besides the house servants and employees, and mostly work manual labours for charges under the leadership of an employer or of his representative. The state of the worker is not related to the way of giving charge but to the state of work.

Article 7 : Handicraftmen are those who make their living by their own manual skills for their own interest -whatever inside or outside their houses, with or without engines, with or without houses with or without labels- and sell their products made by themselves, got help from husbands, wives , family's members, paid workers provided the whole workshop is under his supervision .

Workers besides his family's members can be numbered at most 7 persons ;if more than 7 persons, the employer's status of handicraftman is no longer existing.

Article 8: An apprentice is one who has been engaged to study skill from an employer or handicraftman, who has contracted that the employer has to train or ask someone to train him the skill while the apprentice has to work for the employer in accordance with conditions and duration in the contract .

Article 9 : According to the existence of works, there are :

- regular laborers
- irregular laborers

An regular laborer is one who labors a permanent, specific work regularly .

An irregular laborer is one who has been engaged to :

- labor a specific work which should be finished in a short time .
- labor for a period ,for a season ,labor and stop .

Article 10 : The irregular laborer should follow the same measure and duty as the regular one ,and he has the same rights, except when the contract is different .

Article 11 : According to the system of paying labor charges , laborers should be divided as the following :

- Laborers whose charges per month, day, or hour, are paid their charges every day or for every limited time , not exceeding 15 days or one month.

- Laborers whose charges are paid according to their product quantity or undertaking..

- Laborers whose charges are commissions.

## SECTION 2-

### Forced labors

Article 12 : Forced labors are labors which are absolutely prohibited .

The word forced labors or duty means labors or services which one is forced to work by being threatened to give any kind of punishment ,and the laborer is not a volunteer to work, as well. But the word forced labors or duty is not referred to works or services as the following :

- A- works or services of military

- B- works or services ordinary for citizens to

fulfill

- C- works or services which one is forced to do ,because of judges' verdict, on condition that the works or services should be carried out under public authority's control, that means the person should not be under power of an individual, or any morale person .

D- Works and services which should be carried out during a disaster as in a war, in or before a calamity, epidemic diseases and any circumstances which endanger human life or status of general people's ordinary life

E- Pieces of works in a village, that is the works done by the villagers for the community's interest. The works can be regarded as people's ordinary duty requiring the community-members to fulfill on condition that they, the citizens or representatives of the people, can have right to consider the interest of the works

The article is to apply on all laborers including house servants, laborers employed in agricultural enterprises .

Article 13 : To employ someone to work for paying back one's debt is prohibited

## CHAPTER TWO

### Enterprise

#### Section 1

Petition for opening or closing an enterprise

Article 14 : Directors or owners of enterprises, industries, companies of mine, commerce, handicraft, agriculture, services, transportation by land or water routes, public, semi-public or private, in or outside a religion, whatever skill training-supervisors of free professions and leaders of associations or of any group have to sue their petitions to the Ministry of labours and social actions when their enterprises are opened .

Article 15 : The petition called the petition for opening an enterprise is to sue prior to the enterprise-opening -

At any rate, the petition should be sued after maps of constructions, factories, workshops or offices have been submitted to the Ministry of labours and social actions

To close an enterprise at any stop of activities should be sued to the Ministry of Foreign Affairs and Social Actions at longest 30 days after the closure

A formality of submitting the construction maps and formality of petitions for closing or opening an enterprise is defined by Minister's regulation of labours and social actions

Article 16 : The petition for opening an enterprise has to be written down first name and family name and address of petitioner, real location of the enterprise, occupation, engines, methods of using equipments and dangerous raw materials, number and nationals of employees, workers, apprentices-classified by kinds of their occupations, as well as number and nationals of children under 18 years of their age, and women working in the enterprise

The petition should have dates, declaration of rightness, petitioner's signature and additional information on important changes of techniques

Article 17 : The employer has to use and take good care of a register of the building on which a labor inspector has written down ordinal numbers and signatures . The type of the register is defined in the minister's announcement of labours and social actions

## Section 2

### Petitions on personnels'activities

Article 18 : Directors or owners of enterprises or companies should submit to the ministry of labors and social actions the petition on accepting or stopping laborers

The written petition should be submitted within or at 7 days at the longest after the acceptance or the stop

For agricultural enterprises , the duration has to be extended to 15 days

## Section 3

### Internal rules of an enterprise

Article 19 : Directors or owners of enterprises or any building as defined in article 14 above ,who have employed at least 10 laborers should set up an internal rules for the enterprise

Article 20 : The internal rules are made in conformity of the type of the enterprise ,and general measures of labors on activities of the enterprise , for instance, rules related to employment acceptance ,consideration of and drawing labor charges and substantial benefits related to bonus (prestations en nature ),working time and holiday, vacation , measures of laborers' sanitation and safety, laborers' duties, punishment applied on laborers

Article 21 : The internal rules should be set up by the owner of the enterprise and discussions with laborers' representative after 3 months of the opening of the enterprise or 3 months after the rules have been put in use if the enterprise was already opened .

Before they are put in use, the internal rules have to be approved by a labor inspector

Article 22 : The rules have to be announced at work-sites or somewhere appropriate and easy to reach and on the door where workers are recruited . Contents of the rules have to be clear and understandable.

Article 23 : Any amendment of the rules should be followed regulations on companies.

## Section 4

### Labor book

Article 24 : Any person of cambodian national who works for an employer has to have a labor book . An employer may not hire any personnel who does not respect the above regulation.

Article 25 : Unlike laborers hired for seasons to work in a plantation , they may have the book or not .

Article 26 : The book identifies laborer's card, kinds of labors engaged to do, duration of the engagement, agreement of labor charges, ways of drawing the charges, and other engagements ,as well. When a laborer resigns the labor ,the employer may not write down any comment on the book .

Article 27 : The labor book is issued by a labor inspector and for use at the laborers' request who present their identity cards issued by competent authority, and their professional licenses given by their employers

Article 28 : To issue the labor books should be paid to national budget the taxes of which rate and ways of receiving money are defined in a joint declaration of deputy ministers of finance and labors and social actions

Article 29 : To accept or stop a laborer ,labor charges and the increase of the labor charges should be written down in the book of the laborer cocerned .

To be written down by the employer as stated above , should be asked an approval( visa ? ) from a labor inspector or else from a provincial administrative authority within 7 days after the date of entry or stop

Article 30 : Loss of the labor book should be sued to the labor inspector or else to provincial administrative authority .A duplicate may be issued on the same conditions as to issue a labor book .

#### Section 5 Book of labor charges

Article 31 : A director of any enterprise or building ,as stated in Article 14 above , should regularly keep the book of labor charges which is defined in a declaration by the ministry of labor and social actions . Before it is put in use ,the book should be put numbers on every page,and signed by a labor inspector .

The book should be kept in a casnler's office or in an enterprise directorate as to be controlled easily .The employer should take care of the book for 3 years after all pages of the book have been used

The labor inspector can ask for the book to inspect any time

Article 32 : The book should be noted :  
A/information on each or laborers in the enterprise .  
B/charges of labors done, labor charges,and holiday .

Article 33 : Any enterprise which wants to make other kind of the book than the one stated above -but it has information and inspection put similarly- can ask permission from labor inspection bureau .

#### Section 6 Shop for laborers( Company store )

Article 34 : A shop for laborers (SFL) is a shop where an employer or his successor sells consumption goods to his laborers or their families

SFL is permitted to open only if 4 conditions are fulfilled

- Not to compel his laborers to buy goods only at the SFL .
- Not to allow the employer or his successor to get profit from the sales
- Accountant of each SFL should be seperated from that of the enterprise
- Consumption prices should be shown clearly

Article 35 : To set up SFL is defined by a declaration of the ministry of labors and social actions .A labor-inspector has to



Control activities of the SFL in which elected representatives of laborers take part, as well. The labor inspector may close the SFL temporarily until a new, final decision from the minister of labor and social actions is issued.

#### Section 7 Guaranty

Article 36 : The employer who orders his laborer to deposit money or any title as a guaranty should write down the guaranty thoroughly on a special registration, which is signed by the laborer and kept as document for labor inspector's control.

A bill of the deposit should be given to the laborer

Article 37 : The employer should deposit the money in a national treasury eligible to receive money- within 7 days after receiving it. A bill of deposit should be defined conditions of deposit and special exchanges of the money.

The treasury will issue a ticket of deposit to the employer and the employer should present the ticket to the labor inspector whenever he orders

Article 38 : When the employer and the laborer agree to withdraw all or parts of the deposit, both sides should sign together.

If there is no agreement, the money withdrawing should be decided by a competent court.

Article 39 :

#### Section 8 CONTRACTORS

Article 40 : An undertaker (or a contractor) is one who receives works from an entrepreneur with written or verbal contracts and recruits laborers by himself in order to carry out the works or give an service.

Article 41 : To take unlawful advantages from manual workers or to depreciate charges by contractors are banned

Article 42 : The contractor must respect the same regulations as ordinary employers must; and in the case, the contractor's responsibility is the same as the employer's

Article 43 : If the contractor is broke or has not fulfilled the entrepreneur's works, the director or the enterprise will succeed his place to fulfill the works toward laborers.

If losing any advantage, the laborer, himself, may sue the case against the entrepreneur

Article 44 : Contractor should announce a declaration at any place, easily accessible to read ie at workshop, working sites, .The declaration has the contractor's position and the entrepreneur's address.

-6-

Article 45 : The entrepreneur should regularly hold a register of his tacheronnats with whom he has contracted . The register which has names, addresses, positions of tacheronnats, as well as situations or working sites has to be submitted to a labor inspection department within 7 days after contracting to employ undertakers . The duration may be extended up to 15 days for an agricultural enterprise .

### Chapter Three

#### The training of apprentices

##### Section 1

##### Formality and kinds of contracts on training apprentices

Article 46 : The contract on training apprentices is a contract in which a director of an industrial or commercial company , handicraftman, or a master hand accepts to train or assigns someone to train skill fully and technically to another person , who has contracted to work as an apprentice in accordance with conditions and periods agreed in the contract .

The period has to last not less than one year or not more than three years .

Article 47 : The contract on training apprentices has to be done on an authentic document or private one in a fortnight or putting it in use, otherwise, it is considered vain.

The contract is free from taxes or stamps and sealings

Article 48 : If there is no measures done with an agreement with the professional training representative by the labor inspection department, the contract on training apprentices has to be made according to the table of the profession.

The contract has to be stated :

1/-Name , family name, age, skill, trainer's address.

2/-Name , family name, address of the apprentice

3/-Name , family name, skill, and address of the apprentice's parents , guardian, anyone who have permitted . .

4/-Date and periods of the contract and the skill the apprentice has to be trained .

5/-Conditions of giving charges, or other supplies as food, house, and others which have been agreed by both sides .

6/-The skill subject which the director of the enterprise has contracted to train the apprentice

7/-The payment to be paid in case of preaching the contract

8/-Essential duties of the trainer and the apprentice

The contract has to be signed by the trainer and apprentices representative , and on the other hand , countersigned by a labor inspector , and registered by the minister .

##### Section 2

##### Conditions in the contract on training apprentices

Article 49 : Anyone who is under 21 years of age may neither be a trainer nor accept the task of training apprentices although declaring that he has had at least 3 years' experience of the skill as a technician, trainer, master hand, or skillful employee

Article 50 : Widowed, or unmarried, the employer, trainer, or anyone charging the training is not allowed to share a house with female minor apprentices

Article 51 : To be unable to be a trainer or to charge the training of the apprentices are :

- anyone who has been penalized (criminal punishment)
- anyone who has been punished of hostility against the custom of the country
- anyone who has been detained of stealing, deceiving, corrupting

Article 52 : Boy or girl under 16 years of age may not contract to be an apprentice.

Once the apprentice's profession has been perfected, he is and will be no longer an apprentice, and he is able to be a craftsman.

Article 53 : Any enterprise which employs more than 30 skillful craftsmen has to have apprentices whose number is equal to 1/10 of all employed workers in the enterprise.

The maximum number of apprentices in an enterprise - even many laborers to be hired - should be limited in a declaration of the ministry of labors and social actions, which is accorded with the possibility and materials

Article 54 : Able to be permitted by the labor inspector, the derogation of duties from the first paragraph of the above Article is given to any enterprise which applies for paying taxes on training apprentices. The payment and system of taxation is defined by the declaration of the minister of labors and social actions.

#### Section 3

##### Duties of trainer and apprentice

Article 55 : Like a good father in a family, the trainer should behave toward his apprentices as the following :

- to keep watching their denavious and characteristics, even indoors or outdoors. If finding them committing any serious mistake, the trainer should inform their parents or parents' representative of the apprentices. When any of the apprentices is sick or absent or when there are other causes happening to the apprentices, the trainer should inform their parents and intervene the matter immediately

The trainer may use the apprentices not beyond their strength, and to do works and services related to his occupation.

Article 56 : The trainer should improve the apprentices' ability, complete whatever objectives in the contract, and facilitated the apprentices in case of that they intend to study in a vocational training school.

At the end of the training, certificates of completing the contract and of their skill-ability will be issued following a formal exam, led by neutral examiners

Article 57 : The apprentices should respect their trainer in the field of training, help the trainer's work within their ability and strength and keep secrets of the profession

Article 58 : Anyone who has really persuaded an apprentice to breach the training contract is punished and forced to pay compensation to the director of the company or workshop the apprentice has abandoned .

The compensation should not cost more than the actual payment lost by the employer .

Before all duties of the previous contract not yet fulfilled or not yet dissolved, any new contract on training any apprentice made again is considered lawfully vain

#### Section 4

The control over the apprentice-training

Article 59 : The control over the training as a program limit by every occupation, control during training periods, final exam, the organising of examiners etc...have to be defined in the declaration of the ministry of labor and social actions

The declaration of the minister of labor and social actions must be clearly defined regulations on training periods which include time or tests ,and relate to the occupation ability,technics and theory,training ,and experiences, the apprentices got previously,or progresses of the skill the apprentices got from training .

#### Section 5

The dissolution of the contract  
on training the apprentices

Article 60 : The contract on training the apprentices must be dissolved lawfully by reasons as the following :

- 1/- death of the trainer or the apprentice
- 2/- when the trainer or the apprentice serves the army
- 3/- when the trainer or the apprentice is sentenced to imprisonment of a crime or misdemeanor
- 4/- for minor women, in case of that the trainer divorces his wife or that the wife or the woman, in charge of the house in the contract ,is deceased
- 5/- the closure of the workshop-activities or the enterprise as indicated above

Article 61 : The contract on training the apprentices may be dissolved by the bilateral or unilateral party's request

particularly by the following cases :

- either of the parties does not respect the conditions in the contract .
- any ordinary or serious offense against the regulations in the chapter
- the apprentices insist on committing inappropriately
- the trainer moves his house to another quarter outside the one in the contract . But a petition to dissolve the contract based on this reason may be accepted within 3 months since the date of moving
- either the trainer or the apprentices are sentenced to imprisonment.

The petition to dissolve the contract has to be sent to a labor inspector of that MODUL if it is located there . The labor inspector should inform both parties his decision on his permitting the dissolution of the contract . The party may afterward appeal to a court for eventual compensation if the party got suffers from the dissolution of the contract by another party

Cnapte  
r Four  
The contract on employments

Section 1

The application of the contract

Article 02 : The contract on employments is a contract which sets up employment relationship between laborers and employers . The contract is placed below a local common law ( regle de droit commun ) and may be made into other formality which is agreed to by both parties .

The contract can be written or verbal and may be exempted from stamps and sealings .The contract can be written and signed according to local custom, and if registration needed, it can be done without taxation .

Verbal contracts are considered agreements between an employer and laborers in accordance with conditions in the labor laws although not clearly stated

Article 03 : Every laborer can work for pay by a scheduled time even in limited or unlimited time ,or even in one enterprise .

Article 04 : The contract on employments is mostly done without limited time except that the kind of work to be fulfilled can be limited .When there is time limitation, the contract has to be written and time limitation of the contract should not exceed over 3 years .But, for an occupation needed not to take a long trip and to spend much money, the time should be reduced to 12 months for any laborer without his family to share with him ,and 2 years for anyone having his family to share with him . In case of a long trip taken and much money spent, the time limitation should not exceed over 2 years for any laborer who has no family to go along with ,and 3 years for anyone with his family to go along with.

When the contract with exact time limitation of less than or equal to 3 years still continues after its expiry, the contract is regarded as one of non-time limitation

Article 05 : A testing contract can not last longer than a necessary period for which the employer can judge the laborer's work and the laborer can understand conditions of his assigned labor . However, such contracting may last not over 3 years for an employee, 2 months for a skilled worker, and 1 month for an ordinary worker . Expenses on to-and fro trips for a testing labourer who has to work far from his usual home, and eventually for those with his family to go along with him, are paid by the employer

Article 06 : The laborer should fulfill his job completely for his employer except there is a derogation defined in the contract . But besides his working time, the laborer can perform a job activity, not competing against the enterprise he has served, or not damaging the process of the agreement except a contrary agreement .

Article 07 : At a termination of the contract or after a stop of the contract ,the laborer may be contracted to work for another

employer or work for his own interest ,avoiding unlawful competition  
Stating not to allow a competition generally and  
absolutely, the act or the contract is considered lawfully Vain  
An agreement of not competing will be valid if its time  
limitation is set for one year and is defined to a specific activity

## Section 2

### A suspension of the contract on employments

Article 68 : The contract has to be suspended by the following reasons:

1/- A closure of a company because employees have to fulfill their duties of defending the country, or a period in which they have been trained military courses

2/- Laborers' leave while they have to fulfill duties of defending the country and a period in which they have been training military courses

3/- Laborers' leave because of their sickness which is recognised by an official physician . The period of the absence is limited to 6 months but it can be extended till a successor comes .

4/- A failure of working because of injuring from the work or getting sick from the occupation

5/- A rest permitted to women laborers during her pregnancy and a baby delivery as well as sicknesses resulted from the delivery

6/- Laborers' leave permitted by employers, both sides' agreement, or by law

7/- To stop a laborer for a while by reasonable causes .

8/ Laborer's leave during his holidays- for which his charges are still paid- including periods of his eventual trip

9/- An arrest on a laborer, resulted in no penalty

10/- who causes any of both parties to be unable to fulfill his work for not over 3 months

11/- The employer will be able to end the suspension of the contract if all causes of the suspension finish and if the employer gives information lawfully in advance

## SECTION 3

### A dissolution of a contract on employments

#### An advance information or warning periods

#### To stop laborers collectively

Article 69 : An employment contract with time limitation usually terminates when its expiry date is due . The contract can be dissolved before its due time by one side's will if such dissolution is stated in the contract or in case of serious punishment

Article 70 : An employment contract with time unlimitation can be dissolved by one side's will. The dissolution should be adapted the system of written, advance information , that means the side who wants to dissolve the contract should inform the other side .

But no stopping can be made without appropriate reasons related to qualifications, or characters of laborers or without the necessity of the enterprise , the building, or groups

Article 71 : The periods informed in advance should be minimised as the following :

- 4 days in advance if the laborer has worked in the enterprise for at least or less than 3 months
- 6 days in advance if the laborer has worked in the enterprise from 3 to 6 months
- 8 days in advance if the laborer has worked in the enterprise from 6 months up to 1 year
- 15 days in advance if the laborer has worked in the enterprise from more than 1 to 2 years
- 1 month in advance if the laborer has worked in the enterprise from more than 2 years to 5 years
- 2 months in advance if the laborer has worked in the enterprise from more than 2 years to 5 years
- 3 months in advance if the laborer has worked in the enterprise for more than 10 years .

Systems of working time for others except monthly laborers are declared by minister of labors and social actions

Article 72 : Any rule in an employment contract , internal rules , or other agreements concerning the time of informing in advance less than the minimised periods stated above is considered lawfully vain .

Article 73 : To dissolve an employment contract by an employer's will without informing in advance nor respecting the periods of informing, the employer has to pay laborers remunerations as equally as labor charges , and all types of benefits which the laborers should be provided in the time of advance information not respected

Article 74 : To inform in advance is the duty of enterprises, or all companies-as defined in Article 1-toward an employer or a laborer when any of both sides discontinues the contract by himself. For a laborer who is stopped from his work because of no serious faults, and can find a new job immediately, he can stop working in the enterprise before the end of the periods of informing in advance without paying compensations to the employer

Article 75 : Within the periods of informing in advance, a laborer or an enterprise may stop working 2 days a week with fully paid charges to look for a new job .

The charges for every two days' stop should be paid the same amount as his normal charges whatever systems of labor-charges . Other benefits should be included in the charges, as well.

Article 76 : For the work of undertaking or by product quantity , it is usually that the laborer can not give up his duty before fulfilling completely .

For long lasting labor, unable to be fulfilled within one month , the party who wants to be free from the duty of the contract because of other works may be free from the duty if he informs other party 8 days in advance

Article 77 : For the periods of informing in advance , either the employer or laborer should respect all of his duty .

Article 78 : All parties need not respect duties of informing in advance as in the following cases :

- 1- to start a work as testing or a study programme as defined in the contract
- 2- One of the two sides has serious mistakes.
- 3- which one of the sides can not respect the contract forever

Since a laborer has serious mistakes and his employer has not taken any action to stop within 7 days from the date he got the information the employer is considered giving up his right of expelling the laborer

Article 79 : To be considered as serious faults are as the following :

A/ An employer's faults:

- 1- Tricks used to persuade laborers to contract on condition that the laborers do not really agree if they have not been deceived.
- 2- All or parts of labor charges are not paid .
- 3- Many times' retardations in paying labor charges
- 4- Curses, threats, cruelties, physical tortures
- 5- Deficient works given to laborers who have worked by product quantity .
- 6- Not to carry out measures of sanitation and safety as defined in the regulations

B/ Laborers' faults :

- 1- Theft, deceit, fraud
- 2- Deceit in contracting" presentation of fake documents", sabotage, no application of conditions in the contract, spreading out secrets of the occupation
- 3- Serious offences against measures of security and sanitation
- 4- Threats, curses, beating employer or other laborers
- 5- To instigate laborers to commit serious offences .
- 6- To propagandize in company political activities or protests

Article 80 : The minister of labors and social actions is responsible for judging other offences not defined in the above articles until a labor court is set up.

Article 81 : Owing to article 78 ( paragraph 3 ), an employer is impossible to fulfill conditions of a contract as the following :

- 1- The closure of the company ordered by public authority
- 2- Disasters of flood, war, earthquake, damaging lots of materials so that work can not continue for a long time . The employer's death causes to close the company . A laborer may receives his remuneration which amount is equal to that of periods of informing in advance .



Article 82: Owing to article 78 ( paragraph 3 ), a laborer is impossible to fulfill conditions of a contract as the following :

1- Chronic diseases, psychiatric diseases, permanent cripples

2- Any verdict of imprisonment

In the case stated in paragraph 1 above the employer may not be free from his duty of informing in advance before stopping

Article 83 : Once there is an amendment of situations of employer's .....i.e inheritages, sales, capital entry, transfer or capital, setting up companies, all employment contracts which have been carrying out up to the amendment date are still valid between a new employer and laborers of the old enterprise .

The dissolution of the contract can be made possible in the form and on conditions as defined in the section

To stop enterprise activities does not let an employer be free from his duty, as defined in section three, except the case of .....

Bankruptcy and judgement by court are not considered as the case of .....

Article 84 : In an enterprise with works by seasons like that in the record as defined in the declaration of the minister of labors and social actions , to stop laborers at the end of the works is not considered as expelling them and remunerations are not needed to give to them; however , information of stopping them should be announced at least 3 days in advance by announcement, stuck at a main entrance of the working site and on every sign at the working site is there .

Article 85 : If the employment contract is discontinued unilaterally by the employer-except the case of laborer's serious offences -, the employer should pay the stopped laborers expelling remunerations in addition to benefits of informing in advance as already defined in the section .The expelling remunerations are classified as the following :

- Labor-charges and other benefits for 7 days for a laborer who has worked for at least 6 months ....

- Labor charges and other benefits for 15 days for a laborer who has worked for at least 1 year

- Labor charges and other benefits for 1 month for a laborer who has worked for at least 3 years

- Labor charges and other benefits for 2 months for a laborer who has worked for at least 6 years

- Labor charges and other benefits for 3 months for a laborer who has worked for at least 10 years

- Labor charges and other benefits for 5 months for a laborer who has worked for at least 15 years

- Labor charges and other benefits for 6 months for a laborer who has worked for at least 20 years

The remunerations are also given to the laborer if he is stopped because of his sickness

Article 86 : The expelling remunerations should be given to the laborer and the laborer can ask for compensations although the employer has not discontinued the contract. However, the employer's bad conduct makes the laborer discontinue the contract by himself. If the employer has used laborers unreasonably, violating some conditions, the employer has to pay the laborer compensations as well as remunerations.

Article 87 : When one party dissolves the employment contract unreasonably by his own will, the second party can ask for his compensations

The compensations are separated from remunerations or informing in advance, and from expelling remunerations.

Article 88 : When a laborer, who has dissolved his contract violently, gets a new job, the new employer- if found that he involved in the laborer's stopping- has to be responsible for the old employer's loss.

Article 89 : Any person who has contracted to work can ask from his employer at the end of the contract a working certificate indicating the date of his entry in the enterprise, date of leaving, kinds of jobs, successive jobs occupied if available, periods of occupying those jobs

Not issuing the working certificate, the employer has to pay compensations to the laborer

The certificate, issued to the laborer, has to be free from stamps, sealing taxes although other remarks besides those as defined above are written down while remarks which are not in the forms of duties, tickets, or agreements, taxes have to be paid

Formulars without contracts and others indicating the end of the employment contracts, job qualifications and services, already completed, have to be free from taxes. Any remarks with ill will which hit the laborer's job have to be absolutely prohibited.

Article 90 : Compensations which are paid in case of discontinuing the employment contract with correct reasons and compensations the employer has to pay as in article 89 above, are decided by a court and based on local customs, kinds and sizes of the services contracted, seniority, the laborer's age, money paid for pensions, and general on circumstances which might cause damages

Article 91 : The stop of employments, which is caused by the decrease of activities or internal rearrangements intended to do by the employer, should be carried out as the following procedure :

The employer should make an order of the employment stop regarding to professional qualifications, seniority in the company, and laborer's family-burden

The employer should send a written information to personnels in order to get back their proposals : measures of informing in advance the reduction of personnels, and measures of making the reduction less harmful to personnels concerned

Laborers with lower professional qualifications should be the first to stop; those with less seniority should be the second. The seniority should be raised one year for any laborer with a spouse, and one year more for each child under the laborer's burden.

The stopped laborer's priority will be kept for two years in accepting him back to work in the same position in the enterprise.

The stopped laborer with the priority to work in the future should inform the employer his address-changes since he left the company.

In case of unoccupied labour available, the employer should inform the laborer concerned through a registered letter, and get back an answer of "receiving the letter", which is sent to the laborer's latest address. The laborer should present himself in the company in 6 days at the longest since the date of receiving the information.

#### CHAPTER FIVE

#### A joint agreement of employments

Article 92 : A joint agreement of employment ( JAE ) is a written agreement related to employment conditions and occupations between an employer, a groups of employers, one organisation, or employers' various organisations and one organisation or many organisations representing laborers or, if without these organisations, an elected representative of laborers in accordance with regulations on electing a personnel's representative.

Article 93 : Regulations of the joint agreements should be applied on all kinds of laborers in the company as indicated in the joint conventions.

Article 94 : Having already involved the joint agreements, regulations of the employment contracts between employers and laborers, which give less advantages than that defined in JAE, are considered vain; and instead, regulations of JAE are applied. Regulations with more advantages have to be kept for use.

Article 95 : By requests of profession-organisations of laborers or employers, or by their own initiatives, the minister of labors and social actions, after asking for opinions from a consultative committee of labors, can reconcile and apply some or all regulations of JAE on employers and laborers in a profession section and in an application boundary of the agreements.

Article 96 : Without or until a joint agreement made, the minister of labors and social actions can issue employment conditions for a profession after having received opinions from the consultative committee of labors.

Article 97 : The minister of labors and social actions issues a declaration defining a formality of JAE which indicates as the following :

- a- duties
- b- conditions of improving the application
- c- procedures for interpretation and rearrangements
- d- formalities for controlling the application
- e- measures of registering, keeping, publicizing, and announcing
- f- minimum period of putting JAE into effect when JAE text has no opposing regulations; and the regulations are neither amended nor nullified by both parties

## CHAPTER SIX

### General conditions of employments

#### Section 1

#### Labor-charges

#### Limit of labor-charges

Article 98 : By this law, the labor-charges - whatever limits or systems - mean charges for works or services which can be calculated to money or set up by agreements or by national laws and which are paid to laborers by the employer in accordance with written or verbal contracts of employing services which were or will be done

Labor-charges which are paid in drugs or any medicines against the health are, at any rate, prohibited

Article 99 : Labor-charges are as the following :

- Genuine labor-charges
  - Commission
  - Premium and remuneration
  - Participation of benefits
  - Bonus
  - Advantageous value in materials
  - Family-allowances
  - Allowances for holidays or remunerations for holidays.
  - Payment given by employers to laborers during their disability or working, and prior to and after a delivery or a baby
- The followings do not include in the labor-charges
- Health treatment
  - Lawful allowances for family
  - Expenses on travels
  - Advantages specially given to laborers for facilitating their works

Article 100 : The labor-charges are at least equal to minimum labor-charges or assurance ; that means to assure every laborer to have a living standard, appropriate to human being's dignity

Article 101 : Any verbal or written agreement, which is to give laborers charges with a rate lower than minimum charges or assurance, is considered vain

Article 102 : For labors with the same conditions, equal talent or profession, and equal products made, equal labor-charges should be paid to laborers under this law, whatever nationals, sex, or age.

guaranteed

Article 103 : The minimum labor charges of assurances are set up regardless any profession or job

The minimum labor charges of assurances can be varied according to regions ,economy for limiting living state

Article 104 : After the consultative committee of labors has given opinions, the declaration of the minister of labors and social actions is set :

- 1- Systems of setting labor charges as mentioned in Article 99 and the minimum labor charges of daily or monthly assurances
- 2- Rates of minimum labor charges of overtime working, night working, and day time for which it is off

Article 105 : For works of undertaking, or by product quantity , labor charges for works whatever in a workshop or a house to an average talented laborer with regular works are paid for the same working periods ;the charges are at least equal to the minimum labor charges of assurances as limited for laborers

Article 106 : The minimum labor charges ,limited by the law, have to be permanently announced in offices of working, salary, and recruitment .

Article 107 : The employer should include commissions ,or bonus if available, expelling remunerations if a laborer is expelled, compensation expenses in case of discontinuing an employment contract without informing in advance ,or in case of discontinuing the contract unlawfully.. Systems of calculating various charges above should be followed commissions or monthly bonus which were previously received during working periods of not over 12 months up to the date he quits

Article 108: Books of labor charges (cahier des charges des marches de travaux) ,used for employment contracts or supplies to be noted down on behalf of civil servants or public companies, should be noted all necessary and useful points in order to assure the application of the regulations on minimum labor charges of assurances and general rules of labors .

Article 109 : The employer should take measures to inform laborers :  
a/ Conditions of labor charges before starting their work or at every change of the conditions .

b/ Amount of labor charges for regular working periods and when the amount is changed .

To pay labor charges .

Article 110 : Labor charges have to be paid directly to laborers except when the laborers agree to draw them by other methods .The labor charges must be metal or paper money officially used, despite different regulations .

Article 111 : The employer should not prohibit or limit laborers' freedom on using their own labor charges

Article 112 : To pay labor charges must be at working site or the employer's office if located near, except in case of .....

It is prohibited to pay labor charges in drug shops, shops, or in entertainment rooms except ones who work there

It is prohibited to pay labor charges on holidays. If the date of paying the charges is on the holiday, the date must be shifted to one day prior to the holiday .

Article 113 : The charges should be paid at least twice a month (at the longest 16 days' interval)

Employees' charges should be paid at least once a month .

Charges of commissions and commercial representatives should be paid at least once in every three months

For works of contractor or by product quantity to be fulfilled for more than 15 days , the date of paying charges can be set by both sides' agreement but workers should be paid installments once in every 15 days and their total labor charges one week after giving the ready made things

In case of a dissolution of an employment contract , all kinds of charges and remunerations should be paid in 48 hours after the resignation .

Article 114 : In case of unreasonable lateness in paying charges, the labor inspector should order the employer to set date for paying charges to employees and laborers

When the charges are not paid within the limited period , the labor inspector should send-without expenses- the case to a court to take every measure to keep the company property for laborers' interest , and he can also appoint an interim administrator .

Afterward the inspector can sue and force the employer to fulfill his duties toward his laborers and employees

Article 115 : In case of complaining labor charges , it is the employer who shows up evidences of paying the charges .

The evidences may be signatures of the laborer concerned or two witnesses-if the laborer is illiterate- in a register of labor charges of which the employer has to take care .

The termination of right to complain  
for labor charges

Article 116 : Right to complain for labor charges terminates in 3 years after the date of paying the charges .

Debts(unpaid charges) under the termination of the right are sole labor charges, other charges, laborer's all unpaid charges resulted from the employment contract as well as remunerations of exelling .

Assurances and privileges  
of owed labor charges

Article 117 : The amount of labor charges, paid to an contracting entrepreneur,

should not be kept . The keeping affects laborers .

Laborers' charges should be paid before material suppliers' charges of the construction.

Article 118 : The laborers as well as house servants, whose labor charges have been owed, should have privileges over movable and immovable property of a debtor for the last 6 months before a declaration of its bankruptcy or a clearing of debts in a court made by the employer ✓

communicators and commercial representatives should have the first privilege to get commissions and benefits in the last 6 months before the declaration of bankruptcy and the clearing of debts in a court .

Article 119 : The debt privileges, resulted from labor charges, should be superior to other privileges and special privileges, including ones of public treasury. The amount of money the public treasury cuts from the employer's checks (mandate) after the last date of paying debts should be returned to debtors. ✓

Article 120 : Labor charges owed should be placed higher than other debts; one part of his debt unable to be seized is: 15 days' labor charges of workers, 30 days' labor charges of employees, 90 days' labor charges of commercial representatives, which should be paid before the declaration of bankruptcy or the clearing of debts in a court. The parts of the debts should be paid to laborers before other debts within 10 days from the declaration of bankruptcy or the clearing of the debts in a court with a judge's warrant once the parts of the debts are used with remaining capital since the beginning of the declaration of the bankruptcy or the clearing in a court or:..... ✓

Article 121 : To calculate labor charges for the application of regulations of Article 120 above, it is to add not only the sole labor charges but also other amounts-as indicated in Article 99 of the law- of compensations caused by the discontinuation of the contract

To cut labor charges

Article 122 : To cut labor charges, aimed at giving the amount either directly or indirectly to one who helps to seek the labor, to an employer, an employer's representative, or any middle man like agents of gathering workers ect..., should be forbidden ✓

Article 123 : It is impossible to settle for the employer's interest between labor charges paid to a laborer and the charges paid back to the employer in order to settle materials given except :

- 1- Tools and necessary equipments for the work which the laborer has not returned after he stops working
- 2- Lost substances and materials which the labor has been responsible for and used
- 3- The amount of money drawn in advance to buy the materials

4- Money still owed to the company-store (economat)

At any rate, to cut the labor charges should not be too much for the laborer to feed himself and his family

Article 124 : Besides the money given to buy tools, equipments, substances, and other materials for a laborer to charge and use, money lent in advance to a laborer by an employer can be returned by only one way of cutting his labor charges little by little and from parts of the charges that may be transferred or confiscated. ✓

It should not be confused between the cut money and parts of labor charges which may be confiscated, as defined in the laws. The employer has priority to cut the above labor charges before others owed by the laborer.

Instalment money as defined in Article 113 and labor charges paid little by little prior to the regular time -but it is the charges for labor already fulfilled- can be kept for drawing next time

Article 125 : Agreements (conventions), permitted to take away the charges besides the cases above, is considered lawfully vain.

The confiscation, transfer of labor charges  
workers, employees, and house servants

Article 126 : Regarding the condition of preoccupation with food, the labor charges can be confiscated or transferred in the following levels:

- The charges, less than or equal to  $\frac{1}{3}$  of the minimum charges of assurances, may not be confiscated at any rate.
- The charges, more than  $\frac{1}{3}$  up to 3 times higher than the minimum charges of assurances, may be confiscated  $\frac{1}{5}$  only.
- The charges, from 3 to 6 times much higher than the minimum charges of assurances, may be confiscated  $\frac{2}{5}$  only.
- The charges, from 6 to 10 times much higher than the minimum charges of assurances, may be confiscated  $\frac{1}{2}$  only.
- The charges, from 10 to 15 times much higher than the minimum charges of assurances, may be confiscated  $\frac{2}{3}$  only.
- The charges, from 15 times onward much higher than the minimum charges of assurances, may be confiscated  $\frac{3}{4}$

The charges in this field are monthly labor charges

Article 127 : The charges levels, as defined in Article 126, mean not to apply on creditors with preoccupation of food because rest of the charges from confiscations can be used to support the laborer's family.

But the creditors of the preoccupation with food can get back just ordinary monthly charges of laborer's pension. For debts owed long ago, the creditors of the preoccupation with food, along with other creditors, should wait until other parts can be confiscated or transferred.

Article 128 : Family allowances can not be confiscated or transferred except the allowances are kept for paying food

Article 129 : The confiscation and transferration should be followed the procedure of law



SERVICES FEES  
THE CONTROL AND DISTRIBUTION OF THE SERVICES FEES

Article 130 : The services fees are profits given by customers to personnels of some enterprises like hotels, restaurants, cafe, barber's etc.... The employer can get percentage added up to customers' bills with a remark " for services ". The services fees are gathered and given out by the employer to the personnel involving the customer.

Article 131 : The employer should verify clearly the receipt of and the delivery of the fees to his personnels as indicated in Article above

Article 132 : The distribution system of the services fees to personnels who can get the shares, is depended on habits of professions, otherwise on the declaration of the minister of labors and social actions .

SECTION TWO  
WORKING PERIODS

Article 133 : In a company of any kind, although it is in a kind of vocational school as well as free profession , full-working period for laborers of both sexes does not exceed 8 hours per day or 48 per week. ✓

Article 134 : Working periods for various working sites regarding kinds of activities is made by an individual enterprise and its arrangement .

When work shifts are separated, the enterprise can make two work shifts per day : one in the morning and another in the afternoon.

Article 135 : In case of unusual, urgent works needing laborers to work in additional time, charges for the additional time of working should be paid regarding rate set in the declaration of the minister of labors and social actions as in Article 104 .

Article 136 : To settle working hours, failed to fulfill because of suspension of whole works for a while , decrease of activities by incidents, bad weather, festivals, events in the country, the minister of labors and social actions may issue a permission to enterprises to extend daily working periods as the following :

a/ Repaying working should not exceed 30 days per year and should be repaid for 15 days from the date of resuming the work . For agricultural enterprises, the periods are extended up to one month .

b/ The extension of working periods should not exceed one hour per day

c/ The working periods should not exceed 10 hours per day

Article 137 : The declaration of the minister of labors and social actions is set as the following :

1/ Working periods should be 48 hours per week in order to have Saturday afternoon off, and the extension of usual working period should not exceed one hour per day .

2/ Overtime working and usual time working should not exceed 48 hours per week, 10 hours per day, and the extension of working time should not exceed one hour per day .

3/ Permanent derogations are permitted to started or fulfilled works which should be done besides general works of the company , or to some kinds of agents who work irregularly

4- Derogations with limited time which favor commerce, and seasonal industries, and some enterprises are in the following cases:

a/ In case of serious or urgent accidents, urgent works related to engines or equipments , necessary measures to avoid obstacles to the process of the enterprises

b/ To prevent substances from being damaged easily, to prevent technical products from damage

c/ To keep special works going on like registration of inventory and balance, setting times, ceasing accounting.

d/

..... e/ Measure of controlling the working periods and resting periods and full-working periods as well as procedures to permit or apply the derogations

f/ Regions to be applied the derogations on .

Article 138 : The declaration of the minister of labors and social actions sets periods of presence ,and actual working periods accordantly for unstable professions .

Article 139 : The applications of the regulations of the section can be suspended in case of wars, or events endangered the national security .

### SECTION THREE WORKING AT NIGHT TIME

Article 140 : The night time in this law means the period of at least consecutive 11 hours, including the time from 10p.m to 5 a.m, as well. Besides consecutive works laborers have to be snited to do at either daytime or night time , works of enterprises can be always done at night time but the works should not exceed 4 hours. The night time's works should be paid regarding rate, set in the declaration of the minister of labors and social actions in accordance with regulations of Article 104 .

### SECTION FOUR WEEKLY HOLIDAYS

Article 141 : The regulations of the section should be applied on laborers of all enterprises as indicated in Article 1. But the regulations should not be applied on laborers of transportation by sea land , air, or railways for whom there are particular regulations of holidays.

Article 142 : It is forbidden to use the same employee or worker repeatedly for more than 6 days a week ✓

Article 143 : Weekly holiday should last at least 24 hours successively . By principles, all laborers should have all Sundays off.

Article 144 : When all personnels' holiday on only Sundays can spoil public interest or interrupt the usual process of the enterprise, the holidays should be arranged as the following :

a/ All the personnels are allowed to have another day besides Sunday off.

b/ To have one day off from Sunday noon to Monday noon.

c/ To take turn to have one day off.

Necessary permissions should be submitted to the ministry of labors and social actions .

Article 145 : To have weekly holiday off by taking turn is lawfully permitted for kinds of enterprises as the following :

1/ Factory of quickly eaten food .

2/ Hotels, restaurants, bars.

3/ Shops of natural flowers.

4/ Hospitals, shelters, houses for retirees and the psychiatric, nursing houses, dispensaries, pharmacies .

5/ Bathing houses.

6/ Enterprises of presses, propaganda, museums, exhibitions.

7/ Enterprises of taxicabs .

8/ Distributors of electricity, water, energy for factory .

9/ Enterprises of land transportation, except railways.

10/ Industries consuming easily damaged materials .

11/ Industries, the discontinuation of which causes damages or decreases of its product-quality .

12/ Industries, which works are for security, good health, or public interest .

The list of industries at No 10 and 11 as well as other companies, which are permitted for personnels to have weekly holidays off by taking turns, is defined in the declaration of the minister of labors and social actions .

Article 146 : Forms of applications on weekly holidays in constantly operating factories, and for constantly working experts, are defined in the declaration of the minister of labors and social actions .

Article 147 : In case of urgent and necessary works to be taken measures of salvaging, protecting near coming incidents, repairing damaged materials or company buildings, the weekly holiday for personnels to carry out such works can be postponed .

The right of postponing the weekly holidays should be applied on not only laborers of enterprises who are needed to work hurriedly, but also those of other enterprises who are needed to repair something for the interest of the enterprises . In the later enterprises, each of laborers should have other days off to equally settle their postponed holidays.

The article may not be applied on women and people under 18 years old .

not have sunday off should have another day of the week off.

Article 149 : In consumption shops, the weekly holiday can start from sunday afternoon to monday afternoon or personnels can take turn to have one full day of the week off

Article 150 : In commercial companies the weekly holiday can be cancelled by a permission from the labor inspector if the holiday is on a festival day of the country.

Each of the laborers who failed to have the weekly holiday off should be permitted to have the same period off in the following week .

Article 151 : In enterprises of which works can not be carried out for days owing to bad weather , such forced stops from works cause the monthly holiday to decrease two days per month . ✓

Article 152 : In industries with seasonal activities or of consumptions -which are easily damaged by bad weather- , the weekly holiday can be particularly postponed by the labor inspector's permission . ✓

Article 153 : Lists of industries including general types, as stated in Article 151 152 above and regulations on holidays during a baby delivery are declared by the minister of labors and social actions .

Article 154 : When there are weekly holidays for all workers altogether , an announcement with dates and times of the holidays altogether should be announced where it can be easily accessible.

Article 155 : When the holidays are not for all laborers altogether, names of laborers who take the holidays and clear indications of the holidays should be noted down in a special register .

Names of newly recruited laborers need to be registered within 6 days afterward .

The registration is usually needed for a labor inspection agent to give visa(.....) when he controls labors .

Article 156 : Owners, directors, or managers of enterprises who want to suspend weekly holidays should ask permission from labor inspector except in case of .....

The enterprise owners should inform the inspector circumstances to suspend the weekly holidays, dates and periods of suspending, number of laborers failing to take the holidays, as well as other holidays in exchange . When the labor inspector has not permitted the suspension of the holidays , he should inform the owners or directors of the enterprises within 4 days since receiving the proposals . Without answers from the inspector, the proposals are regarded as being accepted .

SECTION FIVE  
HOLIDAYS WITH LABOR CHARGES TO BE PAID

Article 157 : The minister of labors and social actions issues a declaration of yearly festival holidays during which laborers should be paid. Such holidays with labor charges should not include the yearly holidays with labor charges, and on another hand, it should not be reduced the yearly holidays for settling the yearly festival holidays.

Article 158 : In case of the festival holiday which is on Sunday, laborers should have one more day off.

To have the festival holidays off is not a cause to reduce the weekly, fortnightly, or monthly labor charges.

Article 159 : The laborers paid by hour, day, or product quantity have right to receive their remunerations equal to charges because of festival holidays as defined in Article 157. The employer should be responsible for the remunerations.

Article 160 : In any enterprise which can not stop its works because its activities adjust laborers to work on the festival holidays, the laborers should have right to receive their labor charges and remunerations-paid by the employer- which is set in the declaration of the minister of labor and social actions in accordance with Article 104 of this law.

Article 161 : The working hours lost during the festival holidays as indicated above can be repaid on conditions as defined in the law. Working hours to repaid are considered ordinary working hours

SECTION SIX  
YEARLY LEAVE WITH LABOR CHARGES TO BE PAID

Article 162 : Except regulations of a joint agreement or individual employment contracts giving more advantages, all laborers should have right to stop working at the yearly leave with their labor charges to be paid by their employer. The leave is calculated equal to one day and a half of the ordinary working day within one month's successive working. Any laborer who has not worked successively for two monthss should have right -when the employment contract ends- to receive his remunerations of yearly leave including labor charges, calculated according to his working period in the enterprise

In occupations of which works are not regular every year, it is regarded that the laborer has worked regularly once he has worked in average 21 days per month.

Periods of the leave as limited above should be added for laborers according to their seniority in the enterprise : adding one day's leave more in 3year long working.

The leave on festival holidays with labor charges as set in the law and absences of working resulted by sicknesses should not be regarded as the yearly leave with labor charges.

Article 163 : Laborers may have right to take the leave after working for one year .In case of discontinuing or terminating the contract before the time the laborers have right to take the leave, the employer should pay the remunerations to the laborers as defined in the article 162 above. Besides the case, any agreement(convention)with plans of giving remunerations to settle the leave, as well as any agreement on giving up or not using the right of taking yearly leave should be considered vain .and without consequences .

That a laborer agrees to use his right of taking some or whole leaves at the end of the contract is not regarded as giving up the right . The suspension of the leaves is not allowed to extend over three years successively and can be applied on any part of over 12 days'leaves ,which are working days per year .

Article 164 : The employer should pay the laborers before holidays the allowances , at least equal to the average of the labor charges ,premiums, allowances,advantages,remunerations ,including cost of given things,and excluding expenses the laborer has been given for 12 months before the leaves . At any rate, the allowances should not be less than that the laborer should get while he was working regularly.

Article 165 : The regularly working period as defined in article 162 should be equal to the period that a laborer has contracted on employment with his employer although the employment contract is suspended without termination .

Included the periods of leaves that a laborer has right to take with charges are the leaves as the following :

- Weekly leaves.
- Festival leaves with charges .
- sick leaves.
- Leaves for delivering a baby.
- Periods of yearly leaves and before stopping a laborer from work .
- Special leaves which are permitted not over 10 days during a public protest or during an event harming the laborer'sfamily.

On the contrary, special leaves taken by one's own will are not regarded as working periods with right of taking yearly leaves with charges once the laborer has not worked in return .

Article 166 : BY the principles of yearly leaves, the Khmer New Year occasion is permitted to take leaves except other agreements between the laborer and employer .In this case, the employer should inform the labor inspector the agreement in advance .

In all cases related to the yearly leaves with charges and lasting more than 15 days, the employer may keep the rest of the leaves and allows the laborer to take the rest of the leaves at some times in the year except the leaves of children and apprentices under 18 years old .

SECTION 7  
SPECIAL LEAVES

Article 167 : The employer can permit his laborers to take special leaves during public protest or event harming the laborers' families. ✓  
The working time lost during their special leaves can be returned in accordance with conditions as defined in the declaration of the ministry of labors and social actions .

SECTION 8  
LABORS FOR CHILDREN  
LABORS FOR WOMEN  
COLLECTIVE REGULATIONS

Article 168 : A company director employing child workers , children under 18 years or women , should get them have good attitude and take care of their dignity toward public, as well. ✓

Article 169 : The declaration of the ministry of labors and social actions should define kinds of dangerous and over working labors which children below 18 years and women are prohibited to do.  
The declaration should also define special conditions allowing the kinds of workers above to be able to work in any company, which might cause accidents or harm its personnels .

Article 170 : Boys under 18 years and women, young or old, are not permitted to work in mining wells , get mines, or stones in the earth. ✓  
The minister of labors and social actions should set up special conditions of works and skill training for teenagers from 16 to 18 years who work under the ground .

Article 171 : Children, employees, workers under 18 years old, and women whatever age , are not permitted to work at night times in an enterprise as indicated in article 1 .

Children under 18 years are not permitted to work at night times in enterprises of transporting passengers or goods, by land or railways, as well as enterprises of storing and discharging goods .

The declaration of the minister of labors and social actions should set conditions allowing to have special derogations as the following :

1-For women :

a- In unavoidable cases, for instant, in an enterprise which halts its activities unexpectedly and irregularly or in special case.

b- In cases of works related to using raw material or mixing substances, which might be spoiled soon, and when the derogations are necessary to get the materials from spoiling . ✓

2-For children above 16 years :

a-Working in industries as listed below and walking constantly days and nights .

- Factory of melting iron and steel
- Factory of glass
- Factory of paper.
- Factory of sugar.
- Factory of decomposing gold mine.

- When an unavoidable case is an obstacle to the normal process of the company .

Article 172 : The night rest for whatever child workers and women should last at least successive 11 hours .

#### WORKS FOR CHILDREN

Article 173 : Boys and girls under 16 years are not permitted to work with laborers, employees, apprentices of whatever enterprise .

But they can work in any company in which all workers are members of family under the supervision of father, mother, or gardian. ✓

The declaration of the minister of labors and social actions may set sections of economic activities permitted children of minimum age to work .

All child laborers' health should be examined when accepted and will be examined periodically . After the health examination, a competent physician has to certify whether or not the child has enough qualification to carry out the job .

Article 174 : The labor inspector may ask a physician charging a public department to check the under 18 year child laborers working in an enterprise in order to verify that the assigned labors are not overworks for them . In the last case, the labor inspector has right to have the child's overworks changed or with a physician's positive agreement to stop the child from working in the company if the child's parents have complained .

Article 175 : Employing children under 18 years old in an industry, the director should have a registration of their names, ages, and dates of birth . The registration should be submitted to the labor inspector for visas, observations, and warnings .

Article 176 : In an orphanage or other similar centers with primary schools, teaching manual works or skills to children under 18 years should not last more than 3 hours per day . Birth dates, conditions of manual works of the children as well as the children's working period per day , namely schedule of their manual works, rest time, and meal time should be noted in a registration . The registration should be submitted to the labor inspector at the end of every year for visa , warning and other observation .

Article 177 : under 18 years and still under the responsibility of his parents or gardians, the child , whatever sex, may not contract an employment without any of the responsible person's agreement .

#### WORKS FOR WOMEN

Article 178 : In enterprises as listed in article 1 of the law, woman laborer may take ~~90 days~~ leaves for her delivering a baby .

Resuming to work after the leaves for her baby delivery, she should be , within 2 month afterward, assigned to do light works .

It is forbidden to stop a woman from her work during her leaves for her baby delivery in spite of an advance information .



Article 179 : During the leaves as mentioned in the above articles , the woman has right to be paid half of her charges including other charges by her employer . She is also entitled to receive other bonus if available . ✓

~~Any contract~~ convention (agreement) is considered lawfully vain .  
However , the charges , as said in this part , are paid to only women who have worked in the enterprise for at least one year .

Article 180 : For one year from the date of her baby delivery , the woman has right to have one hour per day off to breast her baby during her working time . The one hour time can be separated as 30 minutes during her working time , in the morning and another in the afternoon if the woman has agreed with her employer . If no agreement , any time amidst either of the working times - morning or afternoon .

Article 181 : The leaves for breastfeeding a baby are regarded as particular . And it is not permitted to settle the leaves by cutting down from her usual leaves as defined in the labor law , internal regulations of the company , a joint convention of labors , or a country habit which other workers of her type may take .

Article 182 : Having employed at least 100 women , young and old , in one enterprise , the director should arrange one room for women to breast babies and a nursery room at or near the building .

Article 183 : The declaration of the minister of labors and social actions is setting conditions to control sanitation , the breastfeeding room , and the nursery room .

#### SECTION 9 LABORERS RECRUITED OUTSIDE THE WORKING SITE .

Article 184 : All laborers , recruited outside of the working site and brought in to work by a managing employer , have right to be paid their travel expenses back to the recruitment place when their contracts are terminated or when their working time ends . The expenses are paid by the employer on the same conditions as that of travelling to a working site . ✓

The employer has the same duty as the case of stopping workers on account of his stopping the occupation , his closing the enterprise , or his dismissing workers . In the case of dismissing due to laborers' serious faults , the employer should repay the travel expenses by proportional to the periods for which the laborers have been employed in the enterprise .

Article 185 : The laborers , who stop from their works as defined above , may ask for the travel expenses from the employer within at the longest one year since the date of stopping working for the employer .

Article 186 : The declaration of the minister of labors and social actions will define a formality of the application of the section .

CHAPTER SEVEN  
PARTICULAR CONDITIONS OF WORKS  
IN AGRICULTURAL JOB

Article 187 : Besides regulations defined in the labor law, the following regulations are applied on laborers in agricultural occupations .

Article 188 : The laborers in agricultural occupations are those who work in:

- plantations.
- agricultural occupations " planting and raising "
- occupations on forest .
- occupations on fishing .

SECTION 1  
PLANTATION

Article 189 : The meaning of Plantation in this law is referred to agricultural occupations which are to employ charge laborers regularly, and cultivate plants or other important products for trading as coffee, tea, sugar canes, rubber, bananas, coconuts,, ground nuts, cotton, tobacco, jute, and other textile products, oranges, palm, pine apple, peper .

The regulations of the section are not to apply on family's enterprise or on small plantations whose products are for selling in local markets and which is not to employ laborers regularly .

WORKING TIME

Article 190 : The usual working time of a laborer in a plantation is set to 8 hours per day or 48 hours per week . For the usual working time , it is permitted to work up to 9 hours per day for some kinds of laborers but not over 48 hours per week .

Article 191 : For regularly working laborers who spend their night time at the enterprise, necessary time for going to work and back home should be included in the usual working time if the time is more than one hour . For regular laborers who do not spend their night time at the enterprise , and the now and then ones, their working time per day is counted due to the period they work .

Article 192 : For some occupations, at most 2 hours per day can be added to 8 hours' working period per day as laborers' presentation at their work site . The list of the occupations are set by the declaration of the minister of labors and social actions . For the two hours' presentation at the work site , the laborer may not be forced to work at all and may use the time freely .

Article 193 : If Working more than 8 hours per day, the laborer should be paid the charges according to rate of over time . It is not to add the working time up to more than 10 hours per day except the case of prevention of or repairing damages by any disaster .

## MATERIALS USED AS LABOR CHARGES

Article 194 : It is allowed to give materials in place of labor charges but not forced. If giving labor charges by this way, the employer should regularly give a laborer 900 grams of uncooked rice per day besides remaining parts of charges ✓

Article 195 : If there is an agreement by both parties, the charges paid in rice can be changed to money.

At any rate, the part of charges changed to money should be calculated correctly and the change should be registered.

## TO GIVE MATERIALS TO FAMILY

Article 196 : A regular laborer in a plantation should have right to be provided for his wife and his minor children below 16 years under his burden -however lawful or unlawful- daily rice ration as the following : ✓

- 800 grams for his wife.
- 200 grams for one child under 2 years.
- 400 grams for one child between 2 to 6 years.
- 600 grams for one child between 6 to 10 years.
- 750 grams for one child between 10 to 16 years.

The materials should be given to the laborer, the head of the family, every working day, or if he can not work due to his sickness, or sickness which is correctly certified.

The children between 16 to 21 years who are attending at official or private schools-high schools or university- or at any skill training school should be given the same amount of ration as in the conditions for minor children below 16 years.

In order to be provided the materials for the family, his wife should fulfill the following conditions :

- A- Not to work for getting charges.
- B- To live with her husband in the plantation if he is a regular laborer and has a house there or outside if her husband's house is outside.

Given right to receive the materials are all minor children living with the head of the family in the plantation if the head, the laborer, is residing there, or living in a house of the family's head or living in a house outside if the family's head is residing outside, too. His children, however, attending distant schools or any training schools far from their parents' house should also have right to be provided the materials once they have legal certifications from their official or private schools. If their schools are private, the certification, signed by the school director, should be verified by competent officials.

Article 197 : The materials to the family can be provided to the laborer since the laborer has started his work and after the employer has received all legal evidences.

Article 198 : The evidences given by the laborer to get the advances are as the following :

- A- Copy of his marriage license.
- B- Copies of his children's birth certificates.
- C- A declaration of the family head's responsibility stating that his wife does not work for charges .
- D- A quarter authority's certification stating that his wife and children are living with him and it should be renewed every year
- E- A certification of schooling or skill training as defined in article 196 .

Article 199 : Once the laborer can not give the birth certificates as stated in A and B of the article above , he can, instead, give a warrant, or any legal substituted document .

#### HOUSE

Article 200 : A regular laborer working constantly in one site should have right to live free of charges in a house , provided by the employer as in the conditions defined in the declaration of the minister of labors and social actions . ✓

Article 201 : The house provided to the laborer with his wife and children to live together should be at least 24 square metres . The house of the same size should be provided to at most 4 unmarried laborers of the same sex to share together .

Article 202 : The houses should be built in accordance with competent officials' instructions of health and sanitation . In order to achieve the houses , the enterprise should submit its plans and forms of one or many samples to the labor inspector for considering , and afterward to authorities of province and city . once the authorities have not minded for 30 days since the documents were submitted, The enterprise may start building the houses . For temporary houses built while the occupation starts, the enterprise may ask for a particular permission to build the houses and the houses should be used for not more than 3 years and be in accordance with the conditions of sanitation and health as instructed by competent officials .

Article 203 : The laborers who have lived in the provided houses are forbidden to accept others- namely besides their legal or illegal wife and children- to share in the houses except the employer's approval.

Article 204 : The laborers should take care of and keep the houses , its yard, its lawn clean .

They should be responsible for damages caused by their committing on the houses they live in .

#### REMUNERATION FOR THE HOUSES

Article 205 : Once the plantation is not able to provide houses to laborers who have been working regularly and constantly at the same site , the employer should pay them monthly remuneration for houses in accordance with the conditions in the declaration of the minister of labor and social actions and with opinions of the consultative committee of labors .

## WATER

Article 206 : The employer should arrange to provide his laborers with water appropriately and all year round .

Article 207 : The source of water should be found out and taken care

Article 208 : If the water is suspected unsafe for using , neccessary measures should be taken as by asking public physicians' oppinion or cleaning or boiling the water or applying ....

## TO SUPPLY ASSUMPTION GOODS

Article 209 : For an occupation or a working site without consumption goods or far from a market, the employer can set up in his occupation a company store with neccessary goods as rice, salty fish, smoky fish, salt, tea and so on ...and in accordance with the conditions on article 34 and 35 of the labor law .

## LATERINES

Article 210 : In the laborers' community, number of the sanitary laterines should be at least equal to 1/4 of the number of the laborers' houses. The laterines should be relatively far from the houses and with roof and walls . The laterines should be kept sanitary and with no bad smell .

Article 211 ; Garbage and rubbish of all kinds should be covered under the ground far from the way of water or else burned .

Article 212 : Dead animals should be buried far from the source of water, well, reservoir, and houses .

## MORTALITY AND CRIMATION

Article 213 : Once a mortality nappens, it should be cnecked by competent officials ; and its crimation should be done according to conditions as defined in law .

Article 214 : When a regular laborer dies, the employer should provide :

- one coffin .
- 5 metres of white cloth.
- means of transfer the coffin to a crimation place.
- And in addition, expenses on the funeral ceremony

which amount is not less than the laborer's one month salary ..

## MATERNITY HOUSE

Article 215 : Once any plantation has regularly employ 100 women who are living inside the plantation , the labor inspector may order the employer to set up a maternity house, near their houses, with instructions of physicians and the people's committee of the province .

The maternity house should be under a woman's supervision and one eventual assistant, Or many according to number of children left in it , and the children should be given necessary supply like milk, and rice. For children above 2 years , the employer, the plantation owner, should provide an amount of other food in addition to the rice . The amount of the food for each child should be checked by the enterprise physicians .

Article 216 : The maternity house is accepted only children of fully 6 years and below .

Article 217 : The maternity house is opening and is to carry out its work as the above conditions when children left in it are numbered at least 10 .

#### SCHOOL

Article 218 : When, in the plantation, there are at least 20 children of completely 6 years , who are the regular laborers', the employer should build a primary school near their houses .  
The expenses on the school is paid by the employer .

Article 219 : The employer should spend on furniture and schooling materials by his own and in accordance with competent officials' order

Article 220 : Charges for teachers are paid by the employer .

Article 221 : If the school is farther than 1500m from their village , the employer should pay for expenses on the children's transportation by any mean with covers to protect the sun's shine and rain.

Article 222 : The regular laborers' children , who are living outside the plantation, can attend the plantation school but the employer has no duty to transport them .

#### SECTION 2

#### OTHER AGRICULTURAL OCCUPATIONS

Article 223 : Particular conditions of works in an agricultural enterprise besides plantations should be particularly set by the request of the minister of labors and social actions after a consultative committee of works has given opinion .

#### CHAPTER EIGHT

#### SANITATION AND SAFETY OF LABORERS

#### SECTION 1

#### GENERAL REGULATIONS

Article 224 : The regulations of this chapter are applied on all types of enterprises as indicated in article 1 of the law .  
But the regulations are not applied on workshops employing family members as employees , who are under the control of their parents or their gardians but they are applied on industries which might cause incidents or affect health like stemming ovens, mecnanics, or power plant .

Article 225 : The companies should be kept clean and fulfill conditions of sanitation, safety, necessary for laborers' health, and actually assure laborers' health.

Article 226 : The minister of labors and social actions should set a declaration of the general and particular conditions of sanitation and safety of the work site, and cases and conditions the labor inspector compel to be fulfilled, and formality of complaining against all restrictions.

Article 227 : Checks and controls by committees which apply the law or orders related to sanitation and safety of works, rechecks on all types of all power plant installations of the enterprises and companies consuming electric power, should be absolutely carried out by technicians and with agreement of the minister of labors and social actions.

Article 228 : When there are signs of incidents and dangers to health and safety of the laborers, and the declaration of the minister of labors and social actions has not defined the incidents in article 226, the labor inspector should restrict the employer to reform and prevent the incidents perfectly in accordance with conditions as indicated in article 230 below.

Article 229 : When any emergent measure is put forth to have buildings or equipment reformed as perfectly as regulations order, the labor inspector has power to order to stop the equipment or to close the company, and to have the buildings and equipment repaired within a limited time.

Article 230 : Restrictions should be written ones whatever by registered letters with receiving remarks. The restriction should be dated, signed, indicated offenses, the discovered dangers, and set a duration during which the offenses and the dangers will not have occurred. But when the restrictions is set in accordance with article 228 above, the employer may complain to the minister of labors and social actions prior the restriction expiry. The complaining is not against the warning. The labor inspector should inform decisions of the minister of labor and social actions to the employer through administrative formality.

## SECTION 2 LABORS' PHYSICIAN

Article 231 : The enterprises and companies as indicated in article 1 should provide medical care free for the regular laborers and their families.

Enterprises and companies in the form of cooperatives and enterprises of transportation by sea and air, public offices, as well as the ministries should also have the same duty.

Article 232 : Medical staff led by one or many physicians with a label of labors' physicians has a duty of treating sick laborers affected by their works and especially of following up the conditions of sanitation , dangers, contagious diseases, situation of laborers' health .

Article 232 : The labors' physicians can be formed particularly for one or many enterprises .

Expenses on the formation and the process of the labors' physicians are paid by the employer . In case of one group of the labors' physicians for serving many enterprises the expenses should be paid according to the proportion of laborer number ✓

Article 234 : Since a joint declaration on the formation of the labors' physicians is issued by the minister of labors and social actions and public health , the physicians of sanitation services should start carrying out the works . Another similar joint-declaration should be defined conditions of the duty of the labors' physicians , incompatible with other medical activities . If possible, the labors' physician is a medical expert working in full time and treating only the laborers of the enterprises .

Article 235 : Having employed at least 50 laborers, the enterprise and company as indicated in article 231 of this law should, within the yard of the company workshop or its work site , have a permanent infirmary . The infirmary should be charged by a physician who is helped by one or many nurses according to the number of the laborers . At least one of the nurses is permanently occupied at working time , day and night . The infirmary should have bandages and medicines, enough to treat emergent patients resulted from their works . The employer should pay for expenses on setting up and the process of the infirmary . ✓

Article 236 : If an enterprise as indicated in article 224 has its branches or one or many work sites which , farther than 5 km from the the main work site , employs at least 50 laborers , the employer should provide the branches and the small work sites the same medical care as provided to the main one ..

Article 237 : If number of laborers is up to more than 400 people, The infirmary should, in addition to bandages and medicines, have rooms for patients to rest before being hospitalized , or for patients to rest away from others . The place should be possible for at least 2% of total w laborers of the work site . Treatment , care, and food for patients in the infirmary are paid by the employer ✓

Article 238 : Besides the measures as in articles above , the employer should , by spending by his own, arrange :

- 1- KINO teams of disease prevention .
- 2- Vaccinations of contagious diseases by using syringes and needles ..... ( usable for one time and throw away).

When there is contagious disease, the minister of public health may order the employer to take measure of particular prevention in all work sites .



Article 239 : Clean water or tea should be put in clean jars with covers and taps for using freely at the work sites .

Article 240 : The minister of labors and social actions and public health should issue a joint declaration defining :

- A- Conditions of the formation and the process of the labors' physicians .
- B- Maximum time for the labors' physicians to serve the laborers of a company in accordance with number of the laborers , activities as well as necessary duty .
- C- Time and reports -made by the enterprise or inter enterprise-on the formation and process, and the control of finance of the labors' physicians .

Article 241 : The minister of labors and social actions should issue a declaration on :

- A- Conditions on checking health when new personnels recruited and when old personnels resuming their works, periodical check of health, and check of health .
- b- Number of medical stass , their qualifications and duty.
- C- Conditions according to which the employer should set up and pay for the expenses are :
  - 1- The infirmary as indicated in article 235 .
  - 2- Injury dressing rooms for 20 to 50 patients .
  - 3- First Aid box for less than 20 patients ; number of the rooms of the infirmary should be limited . The health checking should be done in the enterprise .....

#### CHAPTER NINE ACCIDENTS OF WORKS

Article 242 : Regarded as the accidents of works are accidents occurring in working time, or by working despite whatever reasons, laborers' faults provided they are working for the employer . The accident of works , on another hand, is an accident happening on a laborer while the laborer concerned is going from his house to his work site or returning without dropping by or going somewhere else for his interestor outside of his designed work .

Sicknesses resulted from the occupation as defined in the law are considered accidents of works..

Article 243 : The enterprise director should be responsible for all accidents of works as mentioned in articles above although the laborers have whatever kinds of their individual statutes .

- The same responsibility is applied on :
- Supervisors of private medical clinics . This is referred to only personnels employed by the supervisors .
  - People of free occupation . This is referred to those employed by the people.
  - Handicraft enterprises. This is referred to laborers besides the wife and children of the craftsmen .
  - Employer . This is referred to accidents on his house - servants .

-Agricultural enterprises . This is referred to accidents on labourers of the enterprise .

Besides the types of accidents as defined above , anyone, who employs a laborer to work for him even for a while or for now and then , should repay for accidents which he gets during his work .

Article 244 : Directors of enterprises should or assign someone to take measures of preventing accidents of works .

Article 245 : For the worker who is working alone , it is usually his conditions are not under the regulations of of this chapter and texts of laws if only he accepts one or many of his friends to work with him now and then .

Article 246 : A victim or rightful owner ( ayant-droit ) has right to get remunerations from the enterprise director or the employer if the accidents of works happen on him, causing him to be unable to work for a while . But the remunerations may be given to him on the condition that the accidents causes him to be unable to work for at least 4 days .

A victim, who causes an accident on himself intentionally by himself, should not be given the remunerations .

A court is able to decide :

- to reduce the remunerations if finding out the accident is largely caused by the victim's serious faults .

- to increase the remunerations if finding out the accident is caused by serious faults of the employer or his successor in the leadership .

Article 247 : In case of fatal accidents or injury leading to be disable to work for ever , the remuneration given to the victim or the rightful owner is the annuity ( rente ) .

More remunerations for the victim should be added if his injury needs another person to take care always .

In case of his disability of working , the remuneration should be given to the victim at the longest 5 days after the accident.

Article 248 : The victim should , after the accident, have right to get treatment -medicines, dormitory of a hospital etc - , medical operations, and additional necessary materials .

Article 249 : In spite of the above regulations , the victim might get better advantages once both parties have agreed .

Article 250 : There should be a general ration of assuring the accidents of works . The ration should be under the control of the National chest of Social security ( Caisse Nationale de la Security Sociale ) and should be applied on all enterprises and companies as indicated in article 1 of this law .

Article 251: Orders still in practice at present should be still applicable until a law of assuring the social welfare of risks of an occupation is declared.

But for the interim period, the minister of labors and social actions can issue declarations of some formalities for the application as the following :

- 1- Formality on declaring the accident and investigating
- 2- Assurances and necessary regulations
- 3- Rate of crippling and the amount of compensating remunerations

CHAPTER TEN  
FINDING A JOB FOR SOMEONE  
RECRUITING A LABORER  
SECTION 1  
FINDING A JOB FOR SOMEONE

Article 252 : Anyone who wants a job should be registered at the office of jobs and labors of the ministry of labors and social actions . All enterprise directors should inform the provincial or regional office or the ministry vacant labors in their enterprises or new work sites which need more personnels .

Article 253 : It is forbidden that anyone, who wants laborers or seeks a job, neither allow the job advertisement to be publicised at various places nor allow various methods to be publicised except an advertisement to be publicised at his house . The advertisement by newspapers, however, can be permitted provided advertiser forwards the same information to the provincial or regional office of labors and jobs at same time . ✓

Article 254 : The regulations of this area does not affect the direct acceptance which means that the employer and laborer have not asked the office of labors and jobs to help .

Article 255 : All employers may not be forced to accept laborers recruited and sent to them by the office of labors and jobs except regulations ordering them to accept laborers of some kinds rather than other laborers.

Article 256 : It is forbidden that personnels of the office of labors and jobs oblige job applicants to pay them benefits, or accept any benefits resulted from their finding jobs .

Article 257 : It is forbidden that charges for finding jobs are paid to the office of labors and jobs; it means that anyone , companies, education institutions, agencies, or other corps -mediators finding jobs for laborers or laborers for an employer-get benefits from laborers or employers nowever directly or interveniently. ✓

SECTION 2  
TO EMPLOY FOREIGNERS

Article 258 : No employers may employ a foreigner who has no labor card, labor book, issued by the ministry of labors and social actions. No foreigners may carry out an occupation without legal labor cards and conditions as the following :

A- Employers should ,in advance, have legal labor cards for carrying out their occupations in the State of Cambodia .

B- The foreigners enter the State of Cambodia legally .

C- The foreigners should have legal passports .

D- The foreigners should have legal residents .

E- The foreigners should have good reputation and good behaviour.

F- The foreigners should have physical qualifications in accordance with their occupations and should not have any communicable disease . The conditions are defined by the declaration of the minister of public health and with an accordance of the minister of labors and social actions .

A labor card of one year long validity may be extended provided its extended validity is not beyond the expiry date of their residing cards .

Article 259 : The minister of labors and social actions may withdraw their labor cards in the following cases :

A- If the card holder has not fulfilled any of the conditions as defined in paragraph 2 of A B C D E F of Article 258 above .

B- If the extended occupation of the card holder in the State of Cambodia is competing cambodian laborers who are seeking local jobs . The withdrawal is done when the foreigners' labor cards, which was issued or extended, expire .

C- If the holder of the card has had no job for more than one month or the holder is employed by another employer .

The minister of labors and social actions should issue a declaration on the labor cards and the labor books for foreign laborers.

A joint declaration of the minister of labors and social actions and of finance should set rates of taxing on the labor cards and books .

Article 260 : Enterprises of whatever types , employers of free occupations ,lawyers, emissaries of a court,who need to recruit personnels for their occupations should give priority to cambodians in being recruited .

Article 261 : Without any amendment on the regulations of Article 258 above , the limitation of maximum percentage of foreigners, permitted to employ in enterprises as mentioned in Article 260 , should be set by the declaration of the minister of labors and social actions and in accordance with kinds of personnels as the following :

- 1- Office personnels.
- 2- Expert personnels.
- 3- Non expert personnels

Each enterprise during its activity operation should show evidences that the personnels of the kinds defined above are of cambodian nationals whose percentage number is equal to at least minimum number as mentioned in the regulations .

Article 262 : To allow, in a special case, to employ expert personnels ,neccessary to the enterprise activity , the percentage number of foreigners, which may be more than the defined limitation, is permitted by the minister of labors and social actions and with request of the labor inspector .

CHAPTER ELEVEN  
REPRESENTATIVE OF OCCUPATIONS  
SECTION 1

PERSONNELS' DELEGATION OF AN ENTERPRISE

*works small?*

Article 263 : The personnels' delegation should be set up in all enterprises and companies as indicated in Article 1 of this law . ✓

Article 264 : The personnels' delegation , with 3 year term, should be elected by laborers of the enterprise and re-elected for next term

Article 265 : Each delegate should have a similarly elected assistant whose duty is to replace the delegate when he resigns from his position , is stopped from his work , dissolves his employment contract, loses his candidate qualification, or dies .

Article 266 : Complaints related to voting, candidate, systems of voting , and dismissal of the personnels' delegation, should be submitted to the minister of labors and social actions for a final decision . ✓

Article 267 : The minister of labors and social actions issues a declaration on :

A- Number of laborers for which the personnels' delegation is needed and types of companies which are obliged to have the personnels' delegation .

B- Number of the personnels' delegations to be elected is depended on number of the enterprise personnels .

C- System of voting .

D- Conditions to be fulfilled for voting and candidates .

E- Conditions to be obliged on the delegation so that the employer or his successor can accept .

F- Means arranged for the delegation like offices, meeting halls, announcement places and so forth .

G- Minimum working time the delegation should be free from works of the enterprise so that the delegation can play the role of the delegation and conditions of charges given to the delegation .

H- Conditions the voters may dismiss the delegation from position .

Delegation in the text might mean representatives .

*only  
year  
1951*

Article 268 : Before dismissing the delegation, the employer should ask for advance decision from the labor inspector except faults, so serious that the employer should dismiss them and afterward will ask for a final decision. Changes of positions and working sites leading to a loss of the delegation qualification should be permitted in advance from the labor inspector. Preparing measures should last 3 months for ex-delegation and delegation candidates. ✓

Article 269 : The personnels' delegation have duties as the following  
-To inform the employer one or many laborers' complaints, who have not agreed with the employer on the application of charge rate, conditions and regulations of working.

-To inform the labor inspector the protesting complaints, or various criticism from laborers about the application of orders and regulations which the labor inspector has a duty of controlling.

-To control the application of regulation on sanitation and labor safety.

-To propose interesting measures in case of accidents or sicknesses from occupations.

-To offer opinions on internal rules and on measures of managements in case of stopping laborers due to decrease of the enterprise activity or rearrangements of the internal enterprise.

Article 270 : The presence of the personnels' delegation in an enterprise is not an obstacle to the personnels' right in complaining by themselves against their employer or his successor.

## SECTION 2 ASSOCIATIONS OF OCCUPATIONS

Article 271 : Associations of occupations are all associations are set up by laborers or employers, who have the same occupation or have occupation relating each other in producing, and are solely aimed at controlling, researching, protecting the occupation interest and developments of society, economy, and their members' morality.

Employers and laborers of the same occupation should have different associations of occupation.

Article 272 : Either laborers or employers have right to set up the association of occupation and have right to be members of the associations by just respecting statutes of the association.

Article 273 : While carrying out an occupation, a woman, single or married, may be a member of the association or participate in administering and leading the association.

Article 274 : Minors, who are permitted to work, may be members of an association of occupations unless their parents or guardians object to their participation.

Article 275 : Members of an association of occupation may give up their membership from the association at any time in spite of any statute defined against their resignation .

Anyone who resigns their membership from an association of occupation , should still have right to be a member of the mutually assisting association or retirement association which still remains fund to which they have contributed continuously .

Article 276 : When resigning his occupation because his old age, disability while carrying out his occupation, a member of an association of occupation still has his right of being a member of the association .

In any case, all members of associations of occupations have no right of being a member any more if they resign their occupation which is the cause of being a member .

Article 277 : The association of employers and laborers have right to set up statutes and rules of controlling and electing their representatives freely, manage the works of controlling , of the association , and working schedule freely . ✓

In exercising their right , laborers, employers, and their associations should respect the same law as a physical person (personne physique) or a collectivity has set up .

Article 278 : Employers are absolutely forbidden :

- To turn out laborers' occupation to be the participation or non participation as a member of any of the defined associations . ✓
- To dismiss a laborer or make the person lose his advantages by any means because he has participated in an association or in its activity .

Article 279 : All associations of laborers and employers should avoid to interfere each other even in setting up , proceeding , and administering the associations .

Article 280 : All associations of occupations have a duty of being registered at the ministry of labors and social actions which constantly hold the registration of the associations of laborers and employers .

Application for the registration should be sent to the minister of labors and social actions , attached with 10 copies of the association statute , ✓

The application should identify forms of administering and leading members of the associations and should be signed by the members .

Article 281 : The minister of labors and social actions issues a declaration to determine the application formality on this area which , needed by other ministries, are as the following :

- Various indications should be absolutely written down on the statute .

- Procedure of registering, refusing to be registered, crossing out from the registering, and formalities of announcing , these decisions in public .

- Information to be registered .
- Conditions to be filled by people, responsible for administering groups or groups of leading the associations .
  - Right and duty of the occupation association .

CHAPTER TWELVE  
JUDGEMENT OF WORK DIFFERENCES  
SECTION 1  
PERSONAL DIFFERENCES  
FIRST RECONCILIATION TO THE PERSONAL DIFFERENCES

Article 282 : The personal differences are those occurring between employers and one or many laborers ,or one or many trained people , and related to interpretations or applications of regulations of employment contracts, or of contracts of training laborers, or regulations of works of joint conventions as well as other regulations in effect .

All personal differences, before the cases sued to a court , should be initiated to sue the complaints to a labor inspector of their province or region for reconciliation .

Article 283 : After receiving the complaints, the labor inspector should review both parties about subjects of the differences ,and try reconciling them afterward. The reconciliations should be based on rules, joint conventions, or individual employment contracts.

All parties may ask someone to defend himself, or to represent himself .

Results of the reconciliations should be noted by the labor inspector who notifies what the parties accept or does not accept to the reconciliations . The noted reports ( the verbal procees) should be signed by the inspector and the parties , and given out the copies to all parties .

SECTION 2  
DIFFERENCES OF COLLECTIVE WORKS  
RECONCILIATIONS

Article 284 : The difference of collective works is any difference occurring between one or many employers and a number of their personnels on conditions of labors, on exercising right given to an occupation association , on recognising an occupation association in an enterprise , problems of communication between employers and laborers; and the difference might cause the enterprise not to go well, or might harm the social safety .

Article 285 : If the joint conventions have no procedures to solve the difference, the parties should inform the collective difference to labor inspectors of province or region . But for the difference not informed to them , the inspector can manage to reconcile in accordance with legally regulated procedures soon after receiving the difference .

The difference of collective works should be reconciled in advance according to procedures set by the ministry of labors and social actions .



CHAPTER THIRTEEN  
LEGAL PENALTY

Article 286 : Anyone who commits offenses against regulations of Article 21, 22, 23, 24, 26, 29, 35, 109, 154, 155, 183, 210, 218, 239, 241, should be fined from 1,500 riels to 15,000 riels.

Article 287 : Anyone who commits offenses against regulations of Article 18, 19, 36, 37, 44, 45, 55, 56, 89, 102, 113, 133, 135, 140, 142, 158, 160, 162, 163, 164, 165, 170, 171, 172, 173, 178, 180, 190, 194, 196, 200, 201, 202, 206, 225, 235, should be fined from 15,001 riels to 120,000 riels riels

Article 288 : Anyone who commits offenses against regulations of Article 12, 13, 14, 15, 31, 41, 100, 122, 256, 257, 258, 261, 279, should be fined from 15,001 riels to 120,000 riels or imprisoned from 6 days to 1 month .

Article 289 : Fined from 120,001 riels to 400,000 riels, or imprisoned from 1 month to 1 year is anyone who objects to or attempts to object to functional applications or exercises of power given to the labor inspector , work administrators, and inspectors of labors' physicians.

Article 290 : When there are many offenses which are to be fined according to the legal regulations of this law, the fines should be based on numbers of the offenses but the fines are limited to not beyond 5 time much higher than maximum rate of the fines .

The measure should be applied on in case of many laborers employed against the legally regulated laws . In case of not giving up committing the offenses, the fine should be three time much higher.

Article 291 : Enterprise directors should be responsible for being penalized to their or his agents or his successor .

Article 292 : Regardless legal penalty defined in statutes of civil servants, inspectors, work administrators, inspectors of labors' physicians, who break out secrecy and producing systems, should be sentenced to imprison from 6 days to 1 month though the breaking of the secrecy is made after they resigned their positions .

CHAPTER FOURTEEN  
TRANSITORY DISPOSITION

Article 293 : The regulations of this law may be applied lawfully on employment contracts .....during life time . ,but if the laborer has got much advantage from the contract than that defined in this law, the labor may have right to get advantages from his contract on .

The regulations of this law can not be a cause leading to a discontinuation of a contract .

Article 294 : Regulations of any contract against the regulations of this law should be amended within 6 months since the law is put in practice .

Article 295 : All regulations against the law should be abrogation .

Phnom Penh, Date            Month            1992.  
President of assembly .