

Notice on Imposition of the Labor Compliance and Implementation of Labor Inspection

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On 27 March 2022, the Ministry of Labor and Vocational Training (the “**Ministry**”) issued two official notifications: Notification No. 022/22 on the implementation of the self-declaration system of labor inspection through the automatic system and Notification No. 155/22 on the restriction of the implementation of formalities on enterprises, general working conditions, occupational safety and health, national social security, and industrial relation conditions to companies which are not in the textile, garment, footwear, travel goods and bag sectors (the “**Notices**”).

All enterprises within the scope of the Labor Law have the obligation to conduct the self-declared labor inspection in the automatic system twice per year through www.sicms.mlvt.gov.kh starting from 1 June 2022. The first declaration needs to be made before the end of June while the second declaration needs to be made before the end of December of each year. The self-declaration of labor inspection contains the primary 31 items (compliances) as explained in detail below.

In addition, the Notices aim to alert all enterprises which are not in the garment, textile, footwear, and travel and bag sectors to promptly comply with the following formalities on enterprises relating to general working conditions, occupational safety and health, national social security, and industrial relation conditions:

A. Formalities on Enterprises

- Establish internal regulations for the enterprise.

B. General Working Conditions

- Pay for night work, overtime, overtime at night, and work during time taken off during the week;
- Settle the paid public holidays and pay the indemnity for work on public holidays;
- Pay the seniority indemnity and the back pay of seniority indemnity before 2019;
- Settle the severance pay of a Fixed Duration Contract in accordance with Labor Law;
- Obtain approval for overtime from the labor inspectors, or not ask the employee to work more than the time limits or not on a voluntary basis for overtime;
- Obtain approval for work on paid public holidays from the labor inspectors, or shall not ask the employee to work beyond the approval or not on a voluntary basis;
- Obtain approval for suspension of work on the weekly time-off from the labor inspectors, or shall not ask the employee to work beyond the approval or not on a voluntary basis;

- Not discriminate against persons applying for employment;
- Not subject anyone to forced labor;
- Provide an appropriate period for maternity leave, and pay the wage and other benefits accordingly;
- Not lay off the pregnant employee, the employee who take maternity leave, or force them to resign;
- Obtain the approval for the employment of a child below the age of 18 and arrange for the weekly-time off accordingly;
- Not employ a child below the age of 18 to perform work that is hazardous or affects the child's health, work safety, or morality, and more than the time limits and/or exceed the time limits per week;
- Obtain annual approval for the employment of foreign labor; and
- Prepare the work permit and employment book for Cambodian employees.

C. Occupational Safety and Health

- Set up a regular waste disposal site;
- Arrange a separate and safe storage area for chemical or toxic waste;
- Prepare a first aid box at the enterprise;
- Set up a room to bandage wounds in the enterprise;
- Take appropriate occupational safety measures to prevent work-related accidents in the workplace;
- Establish the ventilation system properly in accordance with the required standards;
- Make all the emergency exits safe, spacious, unobstructed, and unlocked;
- Post adequate occupational health and safety signs at workstations and other locations;
- Prepare the steam and use it properly according to the technical specifications and occupational safety and health; and
- Use the machinery or equipment properly in accordance with technical specifications and occupational safety and health.

D. National Social Security Fund

- Register the enterprise and employees with the National Social Security Fund; and
- Pay contributions to the Occupational Risk scheme and Health Care scheme for all employees.

E. Industrial Relations

- Elect a shop steward; and
- Comply with the requirements of the Prakas on Shop Steward in the enterprise (Prakas no. 302 MLVT dated 02 July 2018).

Obtaining Covid-19 Vaccinations for employees is required by the Occupational Safety and Health policies of enterprises and they are required to continually cooperate with the local authorities and the Municipal/Provincial Departments of Labor and Vocational Training to urge and arrange for their employees to get booster doses, and complete the vaccination detail in the self-declaration system of the labor inspection through the automatic system. The labor inspectors will conduct a special inspection to verify the data of the vaccinated employees.

Any failure to comply with the compliance and/or submit the reports within the timeline, may lead to an enterprise being subjected to a fine or penalty in accordance with the Labor Law and legal action may be taken by the Ministry.

Disclaimer: This article has been prepared for general information purposes only and it is not intended to be comprehensive, and it does not constitute and must not be relied on as legal advice. Please contact us should you require any assistance.

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